ESSAY

ON

CONSTITUTIONAL LIBERTY:

WHEREIN

THE NECESSITY

OF

FREQUENT ELECTIONS OF PARLIAMENT

Is ſhewn to be ſuperſeded by

THE UNITY OF THE EXECUTIVE POWER.

LONDON:
Printed for C. DILLY, in the Poultry; J. ROBSON, New Bond-ſtreet; and W. RICHARDSON, N° 403, Strand.

M DCC LXXX.

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CONSTITUTIONAL LIBERTY.

WERE all the members of a ſociety upon an equality, and were its laws and regulations ſuch, that no one could become more wealthy or acquire an aſcendant over his neighbour, but by excelling him in approved perſonal exertions, they would recognize in each other equal rights; their political ſyſtem, ſhould any be needful, would, in the full latitude of the word, be a free government; legiſlators would be only the organ of public reaſon; laws the reſult of the moſt equitable compoſition between men, and the adminiſtration could not do any thing diſpleaſing to the people. Here it may be aſked, how comes it, that all governments, even thoſe accounted the moſt free, have hitherto fallen ſo much ſhort of this perfection? To this we reply in the words of a very ingenious author; "The forms of "ſociety are derived from an obſcure and diſ-"tant origin, they ariſe long before the date "of philoſophy, from the inſtincts, not from "the ſpeculations of men *." That theſe inſtincts have dictated meaſures very different from the regulations I have hinted, is ſuffici-

* Eſſay on the Hiſtory of Civil Society.

ently exemplified in the hiſtory of every nation *. Hence it is that the philoſopher, when he comes to go over the ſame ground, finds things for the moſt part to be what he thinks they ought not to be, and that his ſpeculations on theſe ſubjects can frequently be conſidered in no other light by the ſtateſman than as tending to looſen the bands of ſociety and to introduce anarchy and confuſion †.

Whoever

* "Man in a ſtate of nature," obſerves the learned Dr. Warburton, "ſoon ran into very violent exceſſes; and never "thought he had ſufficiently provided for his own being till he "had deprived his fellows of the free enjoyment of theirs." However inapplicable this deſcription may be to individuals, in what is commonly called a ſtate of nature, it holds perfectly in regard to different diviſions or bodies of men. "Natural reaſon tells us," ſays Mr. Locke in his Eſſay on Government, "that men being once born, have a right to "their preſervation, and conſequently to meat and drink, "and ſuch other things as nature affords for their ſubſiſt-"ence." Natural reaſon, it would ſeem, dictated nothing leſs, at a certain time, to the Roman patricians. They were offended, if we may believe what we are told, that nature had given even the ſame organs to the plebeians as to themſelves: "Quod ſpiratis, quod vocem mittitis, quod "formas hominum habetis, indignantur," is the language of a tribune in an harangue to the populace.

† "The municipal laws of countries are only ſo far right," ſays Mr. Locke, "as they are founded on the law of nature, "by which they are to be regulated and interpreted." This will be denied in no country where the inhabitants have learned to make a diſtinction between their municipal laws and thoſe of nature; but there are countries in which no ſuch diſtinction is made, in which men acquieſce as entirely in the laws which Mr. Locke calls municipal, as in thoſe he calls natural. In ſuch a caſe were a philoſopher to ſit down to regulate and interpret the municipal laws by what

he

Whoever conſiders the inequalities among us, their cauſes, and the diverſities of ſentiments thence ariſing, will ſoon be convinced

he conceives to be the law of nature, there are odds but his labours would be conſidered by the governors as tending to looſen the bands of ſociety.

Nothing is more evident from hiſtory than that mens perceptions of their natural rights are modified by ſituation and circumſtances. There are nations in which the people have not even an idea of what we call a free government. From the manner in which Cæſar expreſſes himſelf, it appears that the ancient Gauls conceived both the legiſlative and executive powers of their governments to be inherent in their chiefs.—"Sunt principes, qui ſummam auctoritatem eorum judicio habere exiſtimantur; quorum ad arbitrium judiciumque ſumma omnium rerum conciliorumque redeat." It may be advanced, as a poſition warranted by hiſtory, that wherever men have no opportunity of acquainting themſelves with thoſe forms of government in which the natural rights of mankind are leſs circumſcribed, and the advantages of ſociety enjoyed in a higher degree, they acquieſce in whatever is eſtabliſhed, as we ſubmit to the laws of nature. Governors have a natural right to command, and the people conceive themſelves to be under a natural obligation to obey. Between that which has been eſtabliſhed from time immemorial and the laws of nature, they make no diſtinction. This will explain an obſervation of Mr. Hobbes, and another of Lord Bacon, for which there is ſufficient foundation, though at firſt ſight they may appear ſomewhat harſh: "The rights," ſays Mr. Hobbes, "which "Ariſtotle and Cicero attribute to human nature, are not "derived from the principles of nature, but tranſcribed "from the practice of their own commonwealths." By which the author undoubtedly meant, that the philoſophical ideas of the rights of human nature, derived from the practice of the commonwealths of Greece and Rome, were very different from thoſe which men in many other countries conceived of theſe rights. "Allegiance to hereditary monarchs," ſays his Lordſhip, "is the work of the law of nature."

that we have little ground to expect either ſuch laws, or ſuch government as I have deſcribed. What are we to think then of the ſpeculations of thoſe who argue and aſſert that every article in our public adminiſtration, which is not conducted conformable to this philoſophical model, is an abuſe that ought not to be tolerated? If by any device they can ſubſtitute their ſpeculations in place of the inſtincts of men, all abuſes, both public and private, may be eaſily remedied; but to rail and ſtorm, becauſe government in the dregs of Romulus is not conducted on the maxims that can only regulate conduct in the republic of Plato, is unreaſonable and abſurd to the laſt degree *.

Let thoſe who know hiſtory point out to me, when and where the government of an extenſive country has been conducted without

* If the conduct of different diviſions and parties of men in regard to each other comes up to the deſcription of the learned biſhop above quoted, we have reaſon to expect, abſtracting from the intervention of particular cauſes, that every nation, by the time it arrives at any conſiderable extent, will conſiſt of a ſyſtem of tyrannies. How far this is verified by the ſtate of things in moſt countries, I leave to the obſervation of the reader. One intention of the preſent eſſay is to point out what the parts of the Britiſh conſtitution are which tend to counteract, beyond any other national ſyſtem of policy, the formation of theſe. On this account the ſpeculations of the philoſopher are leſs inapplicable to our ſituation, than to that of moſt other nations. The contraſt however between what his concluſions lead us to expect, and what we ſee, cannot eſcape the leaſt obſervant.

abuſes.

abuſes. Is there a department in private life, where there is not abundance of abuſes which the laws of juſtice cannot reach? Though we are ſenſible that theſe will remain, while the human heart harbours its preſent diſpoſitions, we are not on that account to quarrel with ſociety, and retire into a deſart. Some evils are inſeparable from the greateſt goods. We can no more hope to enjoy the one, and avoid the other, than that we ſhould have ſerenity of ſky during all the months of ſummer, and not, at the ſame time, ſee the fields and meadows ſcorched. Civil government has always been productive of great advantages and ſome evils. When we ſee the follies and perverſities that ſometimes diſcover themſelves among thoſe over whom it is exerciſed, we ceaſe to wonder, that there are periods in which the latter ſeem to increaſe. Of the hardſhips and inconveniences felt, at all times, by various orders in a large empire, few in compariſon proceed from the immediate operations of government.

A noble Lord not long ago made uſe, in the upper houſe, of a very emphatic expoſtulation, "Can an arm that is galled with chains "weild the ſword of honour?" Whence theſe chains, my Lord? Numbers who ſpeculate leſs on the ſtate of ſociety than your Lordſhip, are able to perceive that they do not all proceed from Lord North's taxes. If every thing elſe in the ſociety be right, there

cannot be much amiſs in theſe. There is a gradation even in evils; yet nothing is more common than to find men diſapproving of one, and approving of another inſeparably connected with it. Would your Lordſhip and your aſſociates untie the heavy burdens? Would you eaſe us of our chains? Nothing is leſs adequate than the abolition of a few taxes. Why amuſe us with working on the ſurface? The evils you would remove are deeply rooted. I will point out an effectual method, which I the more readily do, becauſe it was ſuggeſted by the theories of liberty ye yourſelves patronize, and without which, indeed, they cannot be reduced to practice. It would be criminal to ſuppoſe, that advocates ſo ſtrenuous for perfect liberty are averſe to that which is abſolutely neceſſary to give it effect. "Away then with palliatives, "let our underſtandings be no more inſulted. "Split your eſtates, promulgate an agrarian "law, introduce ſuch diſcipline as will eradicate "from the mind thoſe ſentiments which render "our preſent diſtinctions the principal objects "of ambition; without this all your efforts will "be to no purpoſe. Then will liberty, in the "full extent of the word, reſume her ſtation "among us. A veſtige of former corruption and "profligacy will ſcarely remain. Public and "private virtue, ſo rarely united at preſent, will "go hand in hand. Without flaming ſpeeches "to rouze and excite us, we will all ſhew our-"ſelves equally intereſted in the integrity of

" our rulers. Coincidence of intereſt will pro-
" duce coincidence of ſentiment. Depend upon
" it, none ſhall govern, or oppoſe government,
" in a manner diſpleaſing to us. In a word,
" wicked adminiſtrations, and groundleſs oppo-
" ſitions, ſhall be phenomena as uncommon in
" the political, as retrograde motions in the ſun,
" or any of the fixed ſtars, are in the natural
" world. Thus, my lords and gentlemen, by the
" ſame means may you get rid of galling mini-
" ſters, we of galling chains, and the ſociety in
" general of a deal of troubleſome bickering.
" For the attainment of ends ſo deſirable, is
" there a patriot who would not readily ſacrifice
" the moſt darling paſſions of a vulgar breaſt?"

But to my great ſurprize, I am told that, whatever I may imagine, oppoſition, at leaſt its leaders, are advocates for no ſpecies of liberty which is inconſiſtent with the preſent diviſion of property in Britain. If ſo, conſiſtency would require that they ſhould be advocates for none but our preſent diviſion of power. That all which I have mentioned is indiſpenſable to the exerciſe of the liberty which they eſpouſe in theory, will appear from a few plain queſtions which I beg leave to put; Can the greateſt inequalities of rank and fortune have no influence on the ſtate of liberty? To this all politicians who have written on the ſubject reply, that where inequalities of property are very great, ſuch a thing as liberty can hardly gain admittance; and that, in proportion as

thoſe

those diminish, society becomes more and more susceptible of this *, till perfect equality of fortune gives rise to perfect liberty. Is the present distribution of property in Britain such, that it can have no influence in limiting the most perfect liberty? As I do not find that this has been asserted, I ask next, In which of the pamphlets or speeches that for these ten years past have met with the approbation of opposition, are these limitations marked? Sure I am, that a single one has not fallen into my hands which does not speak, as if liberty ought to have place among us in all the extent in which it can have place in a perfect republic. Now it is well known, that, to the liberty of a republic, agrarian laws †, or something equivalent, were always deemed indispensable. The demagogues

* This holds in general. We shall see in the sequel, that there are causes peculiar to the frame of some governments which secure the enjoyment of more liberty than we find in others, where inequalities of property are less.

† It is in this sense only that the phrase is used throughout this essay. I have frequently inquired with myself, how comes it that our party-politicians have of late been so mute on the subject of agrarian laws? These laws have indeed been pronounced by men of knowledge and reflection, to be impracticable and unjust; but that cannot be the reason. Our politicians are not at all scrupulous in recommending schemes, which all the world besides consider as impracticable and unjust. Ruminating on this subject, the following reasons occurred: In ancient Greece and Italy the ideas of ostracism and agrarian laws were rooted in the minds of the people, in consequence of the frugality and great equality in which their early ancestors lived. Many parts

demagogues of old were ſo far honeſt and conſiſtent. They knew and confeſſed, that their plans of liberty could never be reduced to practice without agrarian laws, and that any thing ſhort of theſe was downright mockery. Our modern demagogues attempt to reconcile

parts of their policy derived its complexion from the ſentiments that prevailed during theſe remote periods. We have inſtances of ſtates which, after being depopulated by war, inſtead of parcelling the vacant lands among the remaining inhabitants, ſent to their neighbours requeſting a ſupply of people. Whoever therefore would riſe to power, after riches and luxury had introduced their diſtinctions, could not touch upon a more popular theme than the laws, whoſe object was to re-eſtabliſh the primeval equality. At that time agrarian laws were among the natural rights of human nature. By the conſtitution of all the kingdoms of modern Europe men are differently claſſed, and property is unequally divided; the bulk of the people were for many ages little better than ſlaves. Every thing in the political world tended as much to baniſh the thoughts of an agrarian, as at preſent in Poland. Superſtition however, at a certain time, got the better of all theſe habits in England. A ſect aroſe which inſiſted upon an agrarian; but this fervour was not of long continuance. The reſtoration of monarchy gave new vigour to our ancient principles. The tenets of the ſect I have mentioned, have ever ſince been held in abhorrence. Thoſe among us who have expatiated moſt, for this century paſt, on the rights of human nature, have either been employed or chiefly ſupported by factions, or individuals of conſiderable property, who approved of every mean to out thoſe in power, except an agrarian. Hence it has come to paſs, that were we to collect all that has been written on the ſubject, we are now poſſeſſed in ſpeculation of a finer ſyſtem of the rights of human kind than perhaps any nation could ever boaſt of; but the conditions on which the exerciſe of many of them entirely depends, have been carefully omitted.

things, in their nature incompatible *. They preach up liberty in all its latitude, but adhere to the preſent diviſion of property. The champions of liberty that aroſe in this country, during the civil wars, were not guilty of this abſurdity. They openly claimed an equal diſtribution of property. But it muſt be confeſſed, that the levellers of that age, as well as thoſe who in ancient times aſſerted the equal rights of mankind, were guilty of an overſight: they forgot that it was neceſſary to purge the human mind of thoſe ſentiments which rendered the diſtinctions they were aboliſhing, the objects of ambition. Seeing the rock upon which theſe ſplit, and ſolicitous for permanent advantage in any future attempt of the kind, I gave their ſucceſſors of the preſent age warning, naturally ſuppoſing from the reſemblance in general, that the features of their liberty were, in every reſpect, the ſame.

* To give but one inſtance: "To be free, according "to the lateſt accounts of civil liberty, is to be guided by one's "own will, and to be guided by the will of another is the "characteriſtic of ſervitude." Now let us ſuppoſe, what I believe is ſometimes the caſe in our own country, that the diſtribution of property is ſuch, that a thouſand are neceſſarily dependent upon one; are not the thouſand in effect guided by the will of that one, and conſequently in ſervitude? If it be denied that an agrarian is eſſential to what is here deemed liberty, it will be incumbent to ſhew how the thouſand may emancipate themſelves, which the authors tell us they have an unalienable right to do, without altering the legal ſtate of property.

It cannot therefore be alledged, that I am an adverſary to the moſt perfect liberty. To her votaries whom I now find to be inſidiouſly hypocritical, or totally ignorant of her real nature, I have always ſaid, "If by any magic "or ſorcery known to yourſelves, you can "effect ſuch a change in ſociety, and in the "human heart, as will fit both for the recep-"tion of your principles, if you can aboliſh "not only our preſent diſtinctions, but extin-"guiſh our preſent appetites, I have no ob-"jection. I ſhall expect to ſee the return "of thoſe happy times, to diſappear no "more; when every man, free and indepen-"dent, ſat, without moleſtation or fear, under "his own vine, and under his own fig-"tree. Till this new progeny, however, "make their appearance; till ſociety ceaſes "to be what it has hitherto been in all civi-"lized ages; till ambition, avarice, and "pride withdraw themſelves from among "the predominant principles of action, I "muſt conſider your principles equally as "pernicious in their tendency, as were the "harangues of the ancient demagogues, and "every affected encomium on them as a bait "to inſnare the vulgar, and render them the "dupes of your intereſted deſigns."

Such repreſentations can ſerve, among us, no purpoſe that is good; they have a tendency to promote the very worſt. They may put the lower orders out of humour with our pre-

ſent conſtitution *, but will never aid us in giving it thoſe improvements of which it is ſuſceptible. "Public envy, or diſcontentment," ſays my Lord Bacon, "ſeemeth to bear chiefly "upon principal officers or miniſters, rather "than upon kings and eſtates themſelves: but "this is a ſure rule, that if the envy upon the "miniſter be great, when the cauſe of it in him "is ſmall, or if the envy be general, in a "manner, upon all the miniſters of an eſtate, "then the envy, though hidden, is truly upon "the eſtate itſelf." This venerable author contents himſelf with remarking the fact; the people, though not explicit upon the ſubject, are ſometimes out of humour with the frame of their government. How this is brought about he does not inveſtigate; his age did not furniſh ſuch palpable examples as the preſent.

Let us ſuppoſe that our diſpoſitions become more favourable, that the republican doctrines, which have been diſſeminated for ſome time, ſhould meet with a more general reception; what would be the conſequence? A reiteration of the ſcenes of Charles the Firſt's time. And

* This effect did the harangues of the Gracchi produce in the Roman ſtate. After the troubles occaſioned by theſe ſeditious tribunes, we are told that the populace looked upon every one who poſſeſſed riches, as a public robber, whoſe fortune was raiſed on their ruin. Let but half of the pains which have been uſed of late to revive the notions of an annual parliament, be beſtowed in inculcating the neceſſity of an agrarian, and we may warrantably affirm, that in a ſhort time the halloo will be, "an equal diviſion of property, the "hereditary indefeaſible right of Engliſhmen."

what

what would be the conſequence of theſe ſcenes? Why, the ſame as then, if not ſomething worſe. "A very curious ſpectacle it was, in the laſt "century, to behold," ſays Monteſquieu, "the "impotent efforts the Engliſh made for the "eſtabliſhment of a democracy. As thoſe who "ſhared in the direction of public affairs, were "devoid of all virtue, as their ambition was in-"flamed by the ſucceſs of the moſt daring of "their members, as the ſpirit of a faction was "ſuppreſſed only by that of a ſucceeding faction, "the government was continually changing; "the people, amazed at ſo many revolutions, "ſought every where for a democracy, without "being able to find it. At length, after a ſeries "of tumultuary motions, and violent ſhocks, "they were obliged to have recourſe to the very "government which they had ſo odiouſly pro-"ſcribed." Mr. Hume preſents a picture ſtill more frightful: "There is no doubt," ſays that author, "but a popular government may be "imagined more perfect than abſolute mon-"archy, or even than our preſent conſtitution; "but what reaſon have we to expect that any "ſuch government will ever be eſtabliſhed in "Britain upon the diſſolution of our monarchy? "The Houſe of Commons, according to its "preſent conſtitution, muſt be the only le-"giſlature in ſuch a popular government. "The inconveniencies attending ſuch a ſitu-"ation of affairs preſent themſelves by thou-"ſands. If the Houſe of Commons, in ſuch a

"caſe,

" caſe, ever diſſolves itſelf, which is not to be " expected, we may look for a civil war every " election. If it continues itſelf, we ſhall " ſuffer all the tyranny of a faction, ſubdivided " into new factions. And as ſuch a violent " government cannot long ſubſiſt, we ſhall, " after infinite convulſions, and civil wars, " find repoſe in abſolute monarchy."

But as it now appears that no party among us is diſpoſed to alter the preſent diſtribution of property, the queſtion from henceforth, with all rational enquirers, is not concerning the moſt perfect liberty, but concerning that degree of it which is ſuited to the circumſtances of our country *, which may very properly be called conſtitutional liberty. That we enjoy this degree under the preſent government, is ſufficiently acknowledged, even by thoſe who oppoſe it: for, in all their attempts to irritate the people, they have ſubſtituted republican for conſtitutional liberty, and expoſed, as abuſes in our government, what could be accounted ſuch only in a republic.

It would be loſt labour to ſearch for conſtitutional liberty in the pamphlets to which I have alluded. Men whoſe employments had

* I will take upon me to aſſert that, without a new diviſion of property, frequent elections, or whatever other ſeeming improvements as to the repreſentation of the people, will never be the means of procuring to this nation more liberty than is already aſcertained by our laws. The fact is, a very ſmall part of our liberty has ariſen from what is commonly conſidered as the only ſource of liberty.

given

given them ſufficient opportunity of knowing what it is, have from party views given ſtrange repreſentations of it. The late Lord Bolingbroke, in the ninth letter of his Diſſertation upon Parties, one deſign of which, he tells us, was, to give true ideas of the Britiſh conſtitution, ſpeaks thus; "Since the Revolution "a king of Britain is ſtrictly and properly "what kings ſhould always be, a member, "but the ſupreme member, or the head of "a political body. Part of one individual "ſpecific whole, in every reſpect; diſtinct "from it, or independent of it in none. He "can no longer move in another orbit from "his people, and like ſome ſuperior planet, "attract, repel, influence, and direct their "motions by his own. He and they are parts "of the ſame ſyſtem intimately joined, and "co-operating together, acting and acted upon, "limiting and limited, controuling and con-"trouled by one another; and when he ceaſes "to ſtand in this relation to them, he ceaſes "to ſtand in any." There is no diſpute about all this in theory, neither would there be any in practice, were there a perfect coincidence in the views and intereſts of the whole political body, as is here ſuppoſed by our author. When I ſay a perfect coincidence of views and intereſts, I do not mean that which a philoſopher may diſcover in his cloſet, but a coincidence which the actions of every member diſcover. In that caſe, I allow there would be no diſ-

pute,

pute, whether the chief magiſtrate moved in an orbit in which he ought not; for what one calls his proper orbit, all call his proper orbit. But had ever this coincidence place in any political body, where great inequalities of rank and fortune ſubſiſt? Do not ſuch always imply different views and intereſts, at leaſt to a certain degree? And as nothing is more probable than that different claſſes or denominations of men will view government in different lights, ſhall the party, with whoſe views its operations happen not to coincide, tell the ſupreme magiſtrate, that he no longer ſtands in that relation to them? The conſequence would be continual tumults, inſurrections, and rebellions.

Should it here be aſked, may not tyranny ſhelter itſelf under ſuch pretences? How ſhall we diſtinguiſh between the operations of government, which excite the diſpleaſure of a party, from private views, and thoſe which violate the deareſt rights of the ſubject? Will not miniſters, when guilty of the latter, alledge that thoſe who oppoſe their meaſures act ſtill from private views? We reply, that every where we find a greater or leſs degree of power in the hands of government, in proportion to the greater or leſs diverſity of ſentiments that prevail among the governed, and that tyranny has never met with better ſupport, than in oppoſite views and intereſts. The liberty of a country

country depends very much on the habits of its people.

This matter is very inaccurately repreſented by our liberty writers: "Civil liberty in its "moſt perfect degree," ſays one, "can be en- "joyed only in ſmall ſtates, where every "member is capable of giving his ſuffrage in "perſon. When the different parts of a "ſtate are removed to ſuch diſtances from "each other, as to render this impracticable, "a diminution of liberty neceſſarily ariſes." The circumſtances here aſſigned, as perfecting and diminiſhing liberty, I take to be in great meaſure accidental; and that ſmallneſs or largeneſs of territory cannot be ſaid to have any further influence on the liberty of a ſtate, than as the one tends to produce diverſity, and the other uniformity of character. For in the ſmall ſtate, where every one may give his ſuf- frage in perſon, the laws are made by a majo- rity, and will diminiſh the liberty of the mi- nority in proportion to the diverſity of ſenti- ments between them and the majority. On the other hand, if in a large ſtate, we ſuppoſe ſimilarity of ſentiments, the laws, though made by one man, if conformable to the dic- tates of his own conſcience, will meet with the approbation of all his fellows *, and conſe- quently

* If this were the caſe of the whole commons of Britain, one man, on the ſuppoſition of his integrity, would make as good laws for the whole, as if the whole had given a

quently will abridge no one of the privilege of doing what he thinks he ought to do, which is the idea of perfect liberty.

We are informed by Tacitus, in the account he gives of the ſtate of the Roman empire at the acceſſion of Galba, that from the time of Auguſtus the governors of Egypt had been veſted with abſolute power. This was rendered neceſſary by the ſituation and ſentiments of the people *. Were ſuch a government as the Britiſh conſtitution to be introduced among a people like this, its principles, I reckon, however agreeable to nature and the true ends of government we may think them, would at firſt meet with a very indifferent reception. Here it may be aſked, what are governors to do till the ſpirit and principles of the conſtitution

formal conſent to the making of them. And the only reaſon for aſſociating others with him can be, either to ſecure his integrity, or to conſult the variety of intereſts that may ariſe. The preſent Houſe of Commons is, I believe, generally allowed to be ſufficiently numerous, and there is not a diſtrict of the kingdom which might be ſuppoſed to have a diſtinct intereſt which does not ſend repreſentatives. But it is ſaid, that the elections of theſe repreſentatives are too infrequent, that they have time to become corrupted, and to ſeparate their intereſt from that of the people. This charge ſhall be conſidered in the ſequel, where it will appear that there are other ſources of liberty beſides frequent elections.

* "Ægyptum copeaſque quibus coerceretur jam inde a "D. Auguſto, equites Romani obtinent loco regum. Ita "viſum expedire, provinciam aditu difficilem, annonæ fe"cundam, ſuperſtitione, ac laſcivia diſcordem et mobilem, "inſciam legum, ignaram magiſtratuum domi retinere."

come

come to prevail? Are they to regulate their conduct by the rules of the conſtitution, or by the prejudices of the people? If by the latter, will not thoſe who ſpeak the language of the conſtitution, find the meaſures of government almoſt always what they ſhould not be? Might not a man of the leaſt ingenuity write very ſpeciouſly on the blunders, abſurdities, and contradictions of ſuch a government? I have ſaid that the reception of the Britiſh government would be attended with difficulty; I might have ſaid more. Among thoſe who can be ſuppoſed to concur in forming an empire, the coincidence of intereſts and the ſimilarity of ſentiments muſt be ſuch, that laws made for the good of the whole, can never be more detrimental than advantageous to the parts. But as intereſt is juſt what opinion makes it, and as the ſuperſtitious opinions of the ſeveral provinces of Egypt were, in moſt reſpects, directly oppoſite to each other, we may pronounce the obſtacles in ſuch a country to the introduction of a political eſtabliſhment, like our conſtitution, inſurmountable; and in general, that every country, in proportion as the ſentiments of its people differ more or leſs, is more or leſs incapable of a free government. For this reaſon I have aſſerted, that the liberty of a country depends on the habits of its people.

" He who would make a commonwealth " where there are many nobility, unleſs he " firſt deſtroy the nobility, undertakes an im-

" poſſibility," ſays Machiavel; " and he who " would erect a monarchy where the condi- " tion of men is equal, will never be able to " effect his purpoſe, unleſs he ſelect ſuch of " them as are moſt turbulent and ambitious, " and make nobles of them, not in name, but " in reality, by enriching them with lands, " caſtles, and treaſure." The Abbé Mably, in his Obſervations on the Romans adopting this idea, refines thus on the conduct of Romulus: " If he ſucceeded in eſtabliſhing a " diſtinction among the Roman families, and " forming a nobility, the peculiar character " of whom, at all times, and in all places is to " deſpiſe the people, he was ſenſible that there " would thence reſult a mutual hatred advan- " tageous to his authority *." Thus does our Abbé make the founder of Rome raiſe himſelf, from being only the inſtrument of his people's power, to be the ſpring of all their motions. What Romulus did in this reſpect, it is needleſs to enquire. This is a ſpecies of policy

* A philoſopher whom I have already quoted ſeems, as to the fact, more lucky in his conjecture: " If we conſider " Romulus," ſays he, " as the founder of the Roman " ſtate, certainly he who killed his brother that he might " reign alone, did not deſire to come under reſtraints from " the controlling power of the ſenate, nor to refer the " councils of his ſovereignty to the deciſion of a collective " body. Love of dominion is by its nature averſe to con- " ſtraint; and this chieftain, like every leader in a rude " age, probably found a claſs of men ready to intrude on " his councils, and without whom he could not proceed. " He

policy with which princes in later times have not been unacquainted. I would only obſerve, that had the diviſion of lands been preſerved, which Romulus is ſuppoſed to have made among his people, we ſhould never have heard of the diſtinction in queſtion, nor of the tyranny of Tarquin; with reſpect to which the ſame Abbé obſerves, "The contempt ſhewn by "the great in oppoſition to the hatred of the "people, and the indifference of both for the "public good; thoſe neceſſary conſequences "of the changes introduced into the govern-"ment, gave Tarquin an opportunity of "uſurping the crown. It is probable that he "would have confirmed his authority, had "his ſon committed ſuch crimes againſt one "order of citizens, as flattered the jealouſy "and reſentment of the reſt, and not been "guilty of an infamous action that was a com-"mon affront to all who bore the name of "Romans *."

Such

"He met with occaſions, on which, as at the ſound of a "trumpet, the body of the people aſſembled, and took re-"ſolutions which any individual might in vain diſpute, or "attempt to control; and Rome, which commenced on "the general plan of every artleſs ſociety, found laſting im-"provements in the purſuit of temporary expedients, and "digeſted her political frame in adjuſting the pretenſions "of parties which aroſe in the ſtate."

Eſſay on the Hiſtory of Civil Society, part 3. ſ. 2.

* The preſent power of the kings of France is conſidered by Mr. De Lolme as ariſing from ſimilar cauſes: "The "privileges of the people," ſays he, "were at the re-union "of that monarchy almoſt every where different, by reaſon

"of

Such was the degree of power thrown into the hands of the Roman kings by the different, or rather by the oppoſite intereſts, in the political body. But we are told, that the different orders in our government, have not only a common intereſt, but, conſidered as orders or eſtates, "they have no ſeparate contradictory "intereſts." Were I fully convinced of this, I ſhould never be apprehenſive of abuſes in our government. A philoſopher who ſits down to ſpeculate upon our conſtitution, may eaſily make it appear that there are no ſeparate contradictory intereſts among us; and when mankind are brought to act upon the principles which he aſcribes to them, their conduct may correſpond with his theories. In the mean time, however, nothing is more common than to find men acting uniformly, as if their intereſt conſiſted in particulars very different from thoſe in which the philoſopher places it.

It will not be denied that the moſt important particulars in which the different orders of our ſtate make their reſpective intereſts conſiſt, are common to the whole. No material

"of the differences in the governments under which the "provinces had been formerly held. The circumſtances "which happened in one place bore little affinity to thoſe "which fell out in another; the ſpirit of union was loſt, "or rather had never exiſted; each province, reſtrained "within its particular bounds, ſerve only to enforce the ge-"neral ſubmiſſion; and the ſame cauſes which had reduced "that warlike, ſpirited nation to a yoke of ſubjection, "concurred alſo to keep them under it."

injury

injury can be done to one without alarming all the reſt. This happy coincidence of intereſt in all matters of moment, will, it is to be hoped, for ever prevent great abuſes in our government, or will produce ſuch a concurrence, as will ſoon redreſs them in a legal way. Such will continue to be our caſe, till ſome great change, probably by the ſhifting of property, takes place in the internal ſtate of the kingdom *; and the conſideration of it, whatever clamours may be occaſionally raiſed againſt government by diſappointed parties, will quiet the mind of every ſenſible man, while he ſees that things in general are in that ſituation, which eſtabliſhed the coincidence †. If any thing

* Mr. Harrington obſerves, "That without violence, "or the removing of property, a popular government can-"not be made a monarchy, nor a monarchy a popular go-"vernment." This he advances as a conſequence of his general principle, that property is the efficient cauſe of all government. If there be any ground for this principle, and there is certainly a great deal, can we ſuſpect that the Houſe of Commons is loſing its conſtitutional weight in the ſcale of government, while ſuch an overbalance of the national property is in the hands of the commons? If it be ſaid, that as the commons poſſeſs more property, it is reaſonable that they ſhould have more power than any other branch of the legiſlature, that is already the caſe. They are poſſeſſed of all the power they can have conſiſtently with the exiſtence of a mixed government. But to ſay, that the power of the Houſe of Commons ought to be proportionable to the property of the whole commons, is ſaying, that the other branches of the legiſlature ought to be annihilated.

† It is a coincidence of intereſts produced among all the different ranks throughout the kingdom in conſequence of the political

thing could render this principle doubtful in ſuch as our preſent circumſtances, it would be the violence of party diviſions; but even theſe fall under the general rule, for during ſuch ferments men conceive their intereſts to be oppoſite.

To aſſert, however, that the different orders among us have, in their own apprehenſion of things, no ſeparate contradictory intereſts, is going perhaps too far. Theſe words, ſo artfully put together, I quoted from Lord Bolingbroke *. Let it be allowed, that intereſts are not ſo far ſeparate as to be contradictory, yet admitting the exiſtence of ſeparate intereſts, will they not produce in ſociety effects which would not have place, where one ſingle intereſt prevails. For theſe effects his Lordſhip never makes any allowance; neither indeed could he, conſiſtently with his ſcheme of liberty. The principal one is juſtly marked by the preſident Monteſquieu, in ſpeaking of our government: "The body

political arrangements eſtabliſhed at the Conqueſt, to which Mr. De Lolme aſcribes the origin of our liberty, and the extenſive proviſions laid down in favour thereof in Magna Charta. The coincidence however was, at that time, very imperfect. The government of the kingdom was, for many ſucceeding ages, conducted without much deference to the ſentiments of the commons. The period in which they acquired the principal means of giving efficiency to their rights was that between the acceſſion of Henry the Seventh and Charles the Firſt.

* See the Diſſertation on Parties.

"of

" of the nobility," ſays he, " ought to be " hereditary: in the firſt place, it is ſo in its " own nature; and in the next, there muſt " be a conſiderable intereſt to preſerve its pri- " vileges which in themſelves are obnoxious to " popular envy, and of courſe, in a free ſtate, " are always in danger."

What effect did the conduct of the Houſe of Commons produce in the reign of Charles the Second, when we are told its character was determined by the temper of the people, and when opinions were prevalent among a great part of the people, too much a-kin with thoſe propagated at preſent? Our noble author, as well as every hiſtorian who writes the hiſtory of that period, tell us, that apprehenſions of falling back under the influence of preſbyterian and republican principles began to ſhew themſelves in the Houſe of Lords. It is of no conſequence what may be the determination of a philoſopher reſpecting theſe apprehenſions, whether he will conſider them well or ill founded. Prejudices, if you will call them ſo, were alarmed; but, let me tell you, allowances muſt be made, even in the frame of a government, for the prejudices of a reſpectable order of men, otherwiſe they will regard the common liberty as their ſlavery. I will venture to prognoſticate, whatever motives particular lords may have for approbation, that the Houſe of Commons will never act on ſimilar principles, without exciting ſimilar apprehenſions in the Houſe of

Lords. Hitherto this has uniformly been the caſe; and we have no reaſon to believe that human nature is greatly changed.

Before the reign of Henry the Seventh republican ideas had produced very little diſturbance in our nation. The ſubjection in which the Commons were held, prevented all jealouſy in their ſuperiors. They ſpread, however, in conſequence of the change which took place in the ſtate of property between this period and the time of Charles the Firſt. At this æra the Lords perceived the pretenſions of the Commons to be no leſs injurious to their privileges than to the royal prerogative. It will readily be allowed, that both the royal prerogative and their privileges were exorbitant; but I may ſafely affirm, that the ſpirit, which at that time animated the greateſt part of the Commons, would prove fatal to our preſent king and nobility *. How then is the harmony of our government to be preſerved? Why, by admitting the Commons to a partici-

* "Whereas a nobility," ſays Mr. Harrington, "ſtrikes "not at the throne, without which they cannot ſubſiſt, but "at ſome king which they do not like; popular power "ſtrikes through the king at the throne, as that which is "incompatible with it." Numbers of our politicians, who inculcate liberty in the ſame extent with Mr. Harrington, but on much leſs rational principles, are not ſo ingenuous. They cannot conceive how their ſchemes of liberty ſhould be incompatible with monarchy. This may, indeed, be as much the effect of their total ignorance of the connexion ſubſiſting among the firſt principles of government as of diſingenuity.

pation

pation of all the honours and offices in the ſtate. Theſe are at the diſpoſal of the crown; and, as Mr. Hume obſerves, are neceſſary to the preſervation of our mixed government. Hence it is that the intereſt of the Commons, as a body, is reſtrained by the expectation of individuals. Hence the jealouſy and apprehenſions of the lords are prevented, and all the powers of the ſtate move in concert.

It cannot abſolutely be denied, however improbable it muſt appear to every one who conſiders the nature of our conſtitution, that this influence from the diſpoſal of offices may be ſo far increaſed, as to become dangerous to liberty. No general rule can be framed whereby we may decide exactly when this comes to be the caſe. "For," ſays the acute author juſt mentioned, "it is impoſſible to aſſign to the crown ſuch "a determinate degree of power, as will in "every hand form a proper counterbalance to "the other parts of the conſtitution. This "is an unavoidable diſadvantage, among many "advantages, attending our ſpecies of govern-"ment *." In no reſpect has it been attended with more diſadvantage than in giving occaſion to much plauſible ſophiſtry againſt the neceſſary power of the crown. But abſtracting from

* The power, ſays our author, which is too great in one hand, may become too little in another. It is no leſs true, that the power in general which is great enough in one age, may become too little in another. What conſti-

from the improbability of the fact (of which more hereafter) has the conſtitution left the people without reſource, ſhould they at any time have reaſon to believe that their repreſentatives are under the undue influence of the crown? Does it not authorize them to petition his Majeſty to diſſolve the parliament? We here ſuppoſe that the evil effects ariſing from this undue influence will be felt throughout the kingdom, and that a majority at leaſt of the people will concur in this petition *. This ſuppoſition cannot be called unreaſonable, when we conſider the coincidence of general intereſts, and the conſequences that would enſue; were the petition of an inferior number to be complied with, no line could be drawn. The exiſtence of one branch of the legiſlature would, in that caſe, depend on the caprice of every party or faction

tutes the juſt and proper influence of the crown at all times, cannot be any thing fixed and determinate. It muſt be relative to the wealth, and conſequently to the power of the other branches of the legiſlature. If this increaſe, the other may alſo increaſe, and ſtill be juſt and conſtitutional. If the influence of the crown has increaſed ſince the Revolution, it is not a neceſſary conſequence that it ought to be diminiſhed. Has not the trade, commerce, and manufactures of the nation increaſed within that period?

* Here I pay ſufficient deference to the judgment of the people. I ſuppoſe that the concurrence of a majority againſt government is always the effect of real grievances, and that they ſuffer not themſelves to be impoſed upon by factions, as to the cauſe of theſe grievances. If this privilege is to be granted to the majority, we ſhall ſee in the ſequel, that conſiderable numbers have very little title to it.

which had intereſt enough to procure a few petitions. In conſequence of the diſſolution the people will have an opportunity of electing a parliament of honeſt and diſintereſted men, who in a legal manner will redreſs the undue influence of the crown, and ſecure the independency of the Houſe ſo far, that the court, without being aſſiſted by the honeſt and diſintereſted members, cannot command the reſolutions of the whole *. This conſtitutes the due medium between the republican and monarchical parts of our conſtitution. If it ſhould happen that the electors are not honeſt and diſintereſted enough to make this choice, it

* Many are the complaints of the defective ſtate of repreſentation among us. In a former note I have mentioned the only cauſes which can render it neceſſary to increaſe the number of the legiſlators, or of thoſe who elect them. It is not pretended that any claſs of men in Britain, who can be ſuppoſed to have a diſtinct intereſt, is excluded from a ſhare in the legiſlature by means of repreſentatives. Is the number of electors ſo few, that there is ground to apprehend that a majority of them may be corrupted by miniſters, let miniſters be as wickedly inclined as they will? Doth not every man in the kingdom, poſſeſſed of a freehold of forty ſhillings a-year, give a vote in the elections? Will any man who deſerves to be argued with, tell me, that this qualification is not comprehenſive enough? While a majority of the electors are beyond the reach of corruption, while they cannot ſeparate their intereſt from that of the reſt of the people, it muſt appear to every one who underſtands any thing of the nature of legiſlation, that the laws which are made, will redound equally to the good of the whole, as if all thoſe multitudes were admitted to vote in electing the legiſlators, which became ſo outrageous and inconvenient about the time of Henry the Sixth.

will

will be more difficult to find a remedy. But I leave the reader to determine, with what juſtice or propriety ſuch electors could complain of grievances. If it be aſked, What, if the king, in ſuch a caſe, ſhould not diſſolve the parliament? It is ſufficient to reply, that ſince the Revolution a king of Great Britain has never ſaid or acted as if he would not comply with the petition of the majority of his people. It would be needleſs therefore, yea it would be injurious, to ſuppoſe any ſuch thing.

But to go on with our inquiry; it appears from what has been ſaid, that without a conſiderable influence in the crown, the harmony of our government could not be preſerved, that this influence is the principal cauſe which prevents, between the different orders of this kingdom, that claſhing of intereſts which was ſo pernicious in the Roman commonwealth; and that to talk of deſtroying it intirely is no leſs abſurd than to talk of deſtroying all diſtinction of ranks *. It is

* If we are to conſider the internal peace and tranquillity of a ſtate as the greateſt happineſs, the expulſion of the kings was the moſt unfortunate event that could have befallen the Romans, while the patrician and plebeian diſtinctions were allowed to remain. Harrington, than whom none has ſpeculated more conſiſtently on the principles of a commonwealth, gives it as his opinion, that theſe diſtinctions ought to have been aboliſhed. "To ſay, that the Romans could not have obtained the equality of Lacedemon, "and the rotation of Venice, without altering the commonwealth, is no argument," ſays he, "ſeeing neither "could they, without altering the commonwealth, have "obtained

is diverting to ſee how this whole matter has been miſrepreſented. No man knew better the regal rights of the Britiſh monarchy than Lord

" obtained their tribunes, which nevertheleſs were ob-
" tained. And if a man conſider the poſture that the
" people were in when they obtained their tribunes, they
" might as well, and with as great eaſe, have obtained any
" thing elſe." Had the heads of the people been as full of the ideas of a perfect commonwealth as Mr. Harrington's was, ſuch a thing would, no doubt, have been attempted; but he ſhould have remembered, that the cauſes which gave riſe to the ariſtocracy formed an inſurmountable obſtacle to its immediate annihilation. The obſervations of the Abbé Mably, on that period of the Roman hiſtory when the aſſemblies by tribes were re-eſtabliſhed, are extremely juſt and philoſophical. " Though the plebeians had power
" ſufficient to oppreſs the nobility in a moment, it was im-
" poſſible, notwithſtanding the ſpite they bore them, that
" they ſhould ſo much as entertain a thought of it. The
" mind opens to ambition only by degrees. It is one ad-
" vantage that invites to a ſecond; for what monſtrous
" contradiction would we not find between an extravagant
" decree by which the tribunes ſhould demand the privileges
" of the patricians to be aboliſhed, and the extreme mo-
" deration obſerved by the people in their retreat to the Sacred
" Mount."

It is well known that for many ages after the Roman plebeians obtained the power of electing out of their own order, one of the conſuls, they continued to elect both out of the patrician. From this conduct Livy takes occaſion to obſerve, that the judgments of the people, when influenced by the contentions of the Forum, differed much from what they were under the ſettled habits of their ſituation. " Alios animos, in contentione libertatis & honoris, alios,
" ſecundum depoſita certamina, incorrupto judicio, eſſe."
" The plebeian order at Rome," ſays Dr. Ferguſon, " hav-
" ing been long conſidered as of an inferior condition, and
" excluded from the higher offices of magiſtracy, had ſuf-

" ficient

Lord Bolingbroke; no man, at a certain time, was a greater ſtickler for them; but being diſappointed in his views with regard to the ſucceſſion, he deſired above all things to impoſe the ſtricteſt limitations on the crown, and to bring our form of government as near the republican as poſſible, in order to depreſs the new family, and embarraſs a miniſter who was the object of his peculiar hatred. Notwithſtanding his political pieces were written with theſe intentions, the opponents of government ever ſince have done little elſe than retail his notions. I have the candor to believe, that in general they have but one motive in common with his lordſhip, namely, peculiar hatred of a miniſtry.

Between corruption, or private bribery, and the offices at the diſpoſal of the crown, our

"ficient force, as a body, to get this invidious diſtinction "removed; but the individual ſtill acting under the im- "preſſions of a ſubordinate rank, gave in every competition "his ſuffrage to a patrician, whoſe protection he had ex- "perienced, and whoſe perſonal authority he felt." It appears then that the Romans, at the time Mr. Harrington thinks they ſhould have aboliſhed all diſtinction of ranks, were far from being in the circumſtances requiſite to conſtitute a perfect commonwealth. To uſe the words of the author laſt quoted, "There was a caſual ſubordination ad- "verſe to ſuch a conſtitution, which caſual ſubordination, "while a few ſpoke the language of a particular form, gave "the ſtate its tone, and fixed its character." We ſhall afterwards have occaſion to obſerve, that his model was no leſs inapplicable when he propoſed its eſtabliſhment in this country.

noble

noble author makes ſeldom any diſtinction. The effects of both he always conſiders as equally detrimental to the conſtitution. "Some "tell us," ſays he, "that corruption ſerves to "oil the wheels of government, and to render "the adminiſtration ſmooth and eaſy. Ac- "cording to them, our excellent conſtitution "is no better than a jumble of incompatible "powers, which would ſeparate and fall to "pieces of themſelves, unleſs reſtrained and "upheld by ſuch honourable methods, as "thoſe of bribery and corruption." We do not conſider our excellent conſtitution as a jumble of incompatible powers, but we conſider it as a combination of different orders of men, the nature of each of which is, and always has been, to purſue a particular intereſt, and, if uncontroled, to uſurp upon every other. In the diſtribution of power the Houſe of Commons has ſo much, that, without the control I have mentioned, it could not be kept within what every one, who impartially conſiders the ſtate of ſociety among us, muſt allow to be its juſt and proper limits.

Had we neither king nor lords in the nation, and were there no deſire in any one of the commons to riſe to either of theſe ſtations, or to lord it over his fellows, the whole legiſlative power might, without any inconvenience, be lodged in the Houſe of Commons. They could never carry matters to exceſs. The temper of the people would infallibly deter-

mine that of the Houſe; and whatever is conformable to the paſſions of a people never appears extravagant or reprehenſible to themſelves *. Were ſuch a houſe to nominate a magiſtrate for diſcharging the executive power, his ſituation would be preciſely that which Lord Bolingbroke aſſigns to our preſent kings. He could move in no orbit, but that chalked out

* Here I may obſerve, that all political maxims are relative. "There would be an end of every thing," ſays Monteſquieu, "were the ſame man, or the ſame body, "whether of the nobles or of the people, to exerciſe thoſe "three powers, that of enacting laws, that of executing "the public reſolutions, and that of judging of the crimes "and differences of individuals. They may plunder the "ſtate by their general determinations, and ruin every pri-"vate citizen by their particular deciſions." There is ſufficient ground in the generality of ſocieties for what is here ſaid; if the three powers are lodged in one particular body of men, all the reſt of the ſtate feel the effects of tyranny; yet nothing is more evident than that in a ſociety whoſe members live on perfect equality, the precautions referred to by our author would never have been thought of. In ſuch a ſituation the legiſlators could veſt themſelves with no degree of power diſpleaſing to the people. The unanimity of the public would conſtitute an inſurmountable barrier to all encroachments. It is therefore the inequalities, and diſtinct intereſts thence ariſing, almoſt univerſally to be met with in the world, which inſpire the inclination, and put it in the power of rulers to aſſume what powers they pleaſe, and to act in an arbitrary manner. Mankind cannot be brought to act in concert againſt them, becauſe there is no common intereſt. On the contrary, the only ſhelter which the bulk of the people have againſt the oppreſſion of a few grandees, is, that the whole executive power of a ſtate be veſted in a ſingle perſon. The power of our kings was the original cauſe of general liberty in this country; and the expulſion

out for him by the Commons; a deviation from which would never admit of any diſpute. The unanimity ariſing from the perfect coincidence of intereſts among the members of the political body would determine every thing. In ſhort, he could do nothing diſpleaſing to the Houſe, and the Houſe could do nothing diſpleaſing to the people *. But though ſomething like this be the real object aimed at by thoſe who at preſent are ſo zealous for what they call a more equal repreſentation of the people, it is a contradiction in terms to ſay, that ſuch a Houſe of Commons would coaleſce with any other order of men in forming one legiſlature. For, in the circumſtances above deſcribed, it is

pulſion of the kings from Rome was the æra at which ariſtocratic tyranny became conſpicuous. What might therefore be juſtly conſidered as a ſpeck in the liberty of a pure republic, conſtitutes the principal ſource of happineſs and liberty in a mixed ſociety. Hence the fallacy of thoſe, who, in order to expoſe in an odious light the moſt indiſpenſable powers of the crown, repreſent us as in the ſituation of perfect republicans.

* "To govern a ſociety of freemen," ſays the noble author of the Diſſertation on Parties, "by a conſtitution "founded on the eternal rules of right reaſon, and directed "to promote the happineſs of the whole, and of every in-"dividual, is the nobleſt prerogative which can belong to "humanity; and if man can be ſaid, without profaneneſs, "to imitate God in any caſe, this is the caſe." Here it may be aſked, what is meant by a ſociety of free men? I will take upon me to ſay, that, if our author allows any of thoſe whom he calls free men to lord it over others in private life, the eternal rules of right reaſon will not be alone ſufficient to govern the ſociety.

ſuppoſed that there is but one intereſt, and conſequently one order of men in the whole body politic. The very exiſtence therefore of different orders among us implies a diverſity of ſentiments incompatible with the ſchemes of our politicians; but this difference, however obvious, is never taken notice of. Inſtead of that ſpecies of liberty, of which the ſtate of ſociety in Britain at the Revolution, and ever ſince, has been ſuſceptible, the noble author above mentioned, and together with him all the ſucceeding opponents of government, give us that which can have place only among republicans. Republicaniſm, when attempted to be introduced here, was accounted a ſubverſion, not a reformation, of our government. Had thoſe who took the lead in deſtroying our old government, had any intention to eſtabliſh a real republic, its regulations would have been in direct contradiction to the ſentiments of our minds *.

Hence it is, that from the actual ſtate of property in a country, we cannot, without taking into conſideration the ſettled habits of thinking,

* Cromwell is ridiculouſly blamed by ſome for not imitating, when protector of England, what is ſuppoſed to have been the conduct of Lycurgus, and other ſuch celebrated names. Is it poſſible that theſe cenſurers ſhould not perceive, that in order to ſuch an eſtabliſhment in this country, as that aſcribed to Lycurgus, it would have been neceſſary to new-model, not only our political, but our domeſtic inſtitutions? Mr. Harrington could ſee that there was ſomething rooted

thinking, draw any certain concluſions with regard to the balance of power. For were property reduced by ſome violent commotion to perfect equality among men poſſeſſed of the habits of monarchy,

rooted in the manners of ancient Rome, which bent the orders of its commonwealth, becauſe "theſe orders came up "by tender twigs; but," continues he, "a commonwealth "made at once, truſts itſelf not to the faith of men, but "launches immediately forth into the empire of laws. Being "ſet ſtraight, it brings the manners of its citizens to its "rule." There is ſomething plauſible in this, if it has got philoſophers to keep it ſtraight; but in the common courſe of things, it may be aſked, what will be the fate of laws which have no hold of the minds of men? Our author could tell us, in another place, that we cannot erect a monarchy, but upon old principles.

That the regulations of a real republic are contradictory to the principles of our minds, may be ſhewn to the ſatisfaction of any reaſonable republican. To allow then that the orders laid down by Mr. Harrington, are ſo well contrived, that if they could be enforced, they are ſufficient to preſerve one ſingle intereſt throughout the body politic, which may juſtly be queſtioned, conſidering the inequalities admitted by his agrarian; what aſſurance does he give us of the obſervance of that law, without which the forms of Oceana would prove the moſt inconvenient of all governments? The only argument to this purpoſe, which I find in the writings of our author, is the following: having ſuppoſed that the landed property of the kingdom ſhould fall into as few hands as the terms of the agrarian permit, he ſays, that "Men "ſo ſeized, would not agree to break the agrarian, for that "were to agree to rob one another." This I am afraid is the weakeſt of all arguments. Our author obſerves, that the ſpoils of Athens brought home by Lyſander ruined the agrarian of Lacedemon. I would aſk in what manner? Was it not by exciting new deſires in the breaſts of his countrymen? In conſequence of theſe ſpoils every one became ambitious of diſtinguiſhing himſelf by riches. Formerly, therefore, the moderation of their deſires had been the ſupport

monarchy, the diſpoſitions of the mind would ſoon re-eſtabliſh the inequalities that neceſſarily lead to that form of government. An author, who has cloathed philoſophy in her moſt amiable garb, and who has favoured the world with the fulleſt illuſtration of the principles here alluded to, ſpeaks thus in regard to kings and princes: "Every calamity that be-
"falls them, every injury that is done them,
"excites in the breaſt of the ſpectator ten times
"more compaſſion and reſentment, than he
"would have felt, had the ſame things hap-
"pened to other men. If at any time the
"people are brought to oppoſe them, com-
"paſſion ſoon takes the place of reſentment,
"they forget all paſt provocations, their old
"principles of loyalty revive, and they run to

port of the agrarian; when that moderation was deſtroyed, there was an end of the agrarian. Now, I would aſk Mr. Harrington, was there more moderation in the deſires of the people of this country, when he wanted to eſtabliſh his agrarian, than there was among the Spartans, after the ſpoils of Athens had been imported by Lyſander? If not, have we the ſmalleſt grounds to believe that an agrarian would have been better obſerved among the former than among the latter? If it be ſaid, that in certain circumſtances the ambition that is gratified by the accumulation of riches is unavoidable; that men give into it, becauſe they cannot foreſee the jarring intereſts that will thence ariſe in ſociety; but that in the caſe put by Mr. Harrington, the law itſelf is ſuppoſed to proceed from a view of the inconveniencies. I anſwer, that the argument will ſtill have no force, till the body of the people are brought to enter into theſe views. This brings us round again to the philoſophers whom the ballot of Oceana was to make princes. My reader will perceive that work enough is here furniſhed for them.

"re-

" re-eſtabliſh the ruined authority of their old
" maſters, with the ſame violence with which
" they had oppoſed it. The death of Charles
" the Firſt brought about the reſtoration of
" the royal family *." Theſe diſpoſitions eſcaped

* This modification of the paſſions is found in greateſt vigour where the bulk of a nation has lived for ages in a ſtate of dependence. The alterations produced by the introduction of commerce and manufactures, are traced with great accuracy by the author of Obſervations concerning the Diſtinction of Ranks in Society. " When the mechanic arts begin to be
" cultivated in a country, the lower claſſes of people be-
" come more independent in their circumſtances. The
" impreſſions which they received in their former ſtate of
" ſervitude are gradually obliterated, and give place to ha-
" bits of a different nature. The long attention and per-
" ſeverance by which they become expert and ſkilful in
" their buſineſs, renders them ignorant of thoſe decorums,
" and of that politeneſs which ariſes from the intercourſe of
" ſociety, and that vanity which was formerly diſcovered in
" magnifying the power of a chief, is now equally diſplayed
" in ſullen indifference, or in contemptuous and inſolent
" behaviour to perſons of ſuperior rank and ſtation." Such men would be fit for a commonweath, were it not that their extreme avarice would be for ever traverſing its orders. This renders monarchy ſtill neceſſary, the force of its laws being alone able to bridle the exorbitancy of their deſires. The maxims which regulate conduct are thoſe of profit and loſs. The ſupreme pleaſure conſiſts in the accumulation of treaſure. A man's merit conſiſts in the number of his thouſands. Whatever opinions may have contributed to ſupport monarchy in barbarous ages, nothing among men of this deſcription, but the command of a conſiderable revenue, can preſerve that reſpect to government which the public good indiſpenſably requires. Mr. De Lolme, having enumerated the prerogatives of our kings, and thinking that his reader might be at a loſs to reconcile them with the idea of a limited monarchy, ſolves the matter on the principles juſt

eſcaped Mr. Harrington, when, from the ſtate of property in England, during what is called the commonweath, he ventured to pronounce it impoſſible ever to re-eſtabliſh monarchy. Had theſe commonwealth's men aboliſhed not only the diſtinctions of monarchy, but erazed the deſire of them, Harrington's principle would have proved leſs erroneous. For this reaſon I have all along inſiſted, not only upon equality of fortune, but ſincere love of that equality as indiſpenſable to perfect liberty, and conſidered all thoſe who attempt to introduce the former, without at the ſame time creating the latter, as the moſt pernicious diſturbers of ſociety.

Here I cannot but obſerve, how much better calculated for duration our government is, than ſuch republics as ancient Sparta. Without cultivating lucrative and commercial arts, a ſtate can never become great and flouriſhing; but it cannot beſtow attention on theſe, and at the ſame prevent the love of gain from becoming the predominant paſſion in the generality of its members. As this conſtitutes a ſtate of mind very different from that ſuppoſed by the fundamental principles of a pure re-

juſt mentioned: "In theſe days, when every thing is rated "by pecuniary eſtimation; in theſe days, when gold is "become the great moving ſpring of affairs, it may be "ſafely affirmed, that he who depends on the will of "others, with regard to ſo important an article, is, what-"ever his power may be in other reſpects, in a ſtate of "real dependence."

public,

public *, confuſion and diſorder cannot but enſue in conſequence of a tranſition from the one to the other. "What was a maxim of "equity, they call rigour; what was a rule "of action, they call conſtraint." Happily our

* "In democracy, men muſt love equality, they muſt "reſpect the rights of their fellow citizens; they muſt "unite by the common ties of affection to the ſtate. In "forming perſonal pretenſions, they muſt be ſatisfied with "that degree of conſideration they can procure by their abi-"lities fairly meaſured with thoſe of an opponent. They "muſt labour for the public good without hope of profit; "they muſt reject every attempt to create a perſonal de-"pendence. Candor, force, and elevation of mind, in "ſhort, are the props of democracy, and virtue is the prin-"ciple of conduct required to its preſervation." (Eſſay on the Hiſt. of Civil Society.) If it be ſaid, that this deſcription is applicable to no ſociety of men that ever lived in a civilized age, I allow it, and hence infer, that a republic becomes an inconvenient mode of government, as ſoon as ſociety begins to emerge from its primitive ſimplicity.

Monteſquieu accounts for the frequency of deſpotic governments in the following manner: "In order to form "a moderate government, it is neceſſary to combine the ſe-"veral powers, to regulate, temper, and ſet them in mo-"tion, to give, as it were, ballaſt to one, in order to en-"able it to reſiſt another. This is a maſter-piece of legiſ-"lation, rarely produced by hazard, and ſeldom attained "by prudence. On the contrary, a deſpotic government "offers itſelf, as it were, at firſt ſight, it is uniform through-"out, and as paſſions only are requiſite to eſtabliſh it, this "is what every capacity may reach." There are ſituations in which democracy would naturally reſult from the paſſions. To preſerve indeed theſe ſituations is a maſter-piece of legiſlation unattainable in civilized ages. For allowing unequal diviſions of property to be the only ſource of permanent inequality among men, and that at preſent it is ever ſo equally divided in a particular country; ſhould one or a few by ſignalizing

 themſelves,

our conſtitution is not of ſo delicate a texture as to render an eminent degree of public ſpirit neceſſary to its exiſtence. It allows men to be as ſelfiſh and intereſted as they pleaſe, if they will only purſue what they cannot but acknowledge to be the moſt effectual methods of gratifying that ſelfiſhneſs and intereſt. It

reſults

themſelves, either in the defence of their country, or by the invention of uſeful arts, become objects of univerſal eſteem and admiration, the balance is immediately deſtroyed, property begins to flow, like a current, towards thoſe admired objects. Every one, as Tacitus obſerves of the Germans in regard to their chiefs, takes pleaſure in making them preſents. This was one of the principal cauſes whereby property was originally brought to center in the hands of a few, and general dependence eſtabliſhed. Thoſe, whatever their character be, who ſucceed ſuch men, inherit an influence, which, conſidering the faſcination of riches, the perſonal abilities of a rival are ſeldom able to counterbalance. He finds that, not only the ſentiments of individuals, but the inſtitutions of the ſociety, have derived their complexion from the will of its wealthy members. As theſe inſtitutions take place gradually, their effects on the mind are ſimilar to thoſe of the laws of nature. A code of laws, drawn up in conformity to the ſentiments that prevail between a chief and his followers, would to us appear a ſyſtem of deſpotiſm. In this caſe a deſpotic government reſults from the ſtate of the paſſions, and it would have required a foreſight, which is not the lot of early ages, to prevent the arrangement of things which gives riſe to that ſtate. If, for the ſake of mutual defence, an union is formed among a number of theſe chiefs, their paſſions, as well as thoſe of their followers, have an opportunity of ſhifting their objects. The chiefs conſider themſelves as a body, and begin to make a property of their followers; the followers alſo conſider themſelves as a body, having an intereſt diſtinct from that of their maſters. This ſeems to have been the ſituation of

things

reſults from a coincidence in the principal intereſts of the political body. In this view every individual advances the public good, while he only thinks of promoting his own particular intereſt. If that government deſerves to be called perfect, whoſe ſtructure is adapted to the genius of the people over whom it is eſtabliſhed, nothing can be more perfect in relation to our preſent diſpoſitions than our preſent conſtitution: but from this perfection, it does not follow, that there are no other forms of ſociety in which liberty may be enjoyed in a greater extent *. It would not be neceſſary to make this diſtinction, were it not for the abſurd conſequences that are obtruded upon us by confounding the one with the other. Lord Bolingbroke gives us the republican inſtead of that

things in the early ages of both Rome and Athens. The grandees poſſeſſed every branch of magiſtracy. To eſtabliſh a moderate government in ſuch ſocieties is a maſterpiece of legiſlation. We may pronounce it impoſſible, unleſs we aboliſh all diſtinction of ranks, as Harrington adviſes, or eſtabliſh a king veſted with ſuch powers as that of England. For whoever conſiders the inconveniencies ariſing from the very nature of the governments which in ancient times were denominated free, will allow, that between theſe there is no medium.

* I have always thought the cenſure of Monteſquieu upon the author of Oceana too ſevere. That profound politician, who has very juſtly been ſtyled the legiſlator of modern times, ſpeaking in reference to what has ever been the actual ſtate of mankind in civilized ages, ſays, "Harrington, for "want of knowing the nature of real liberty, buſied him-"ſelf in purſuit of an imaginary one. He built a Chalce-

that ſpecies of liberty which can have place under our mixed government. This was not the effect of inadvertence in his lordſhip; but the deception, I believe, eſcapes the greateſt part of his readers.

Since the Revolution, it is agreed on all hands that the king of this country ought to ſtand in that relation aſſigned him by the whole ſociety; but it is denied, that any claſs or order in the ſociety has the excluſive right of determining what this relation is, or when he ceaſes to ſtand in it *. How unreaſonable is it therefore to ſay, that the conformity or nonconformity of our government to a ſcheme of liberty, which in eſſence is republicaniſm, preſcribes the meaſures of ſubmiſſion to our kings? It

"don, though he had a Byzantium before his eyes." That the proviſions and regulations laid down by Harrington would have been inſufficient to preſerve, in England, one ſingle, undivided intereſt throughout the political body, I readily grant, and from that inſufficiency infer the neceſſity of our preſent conſtitution; but that this identity of intereſt throughout the body politic might be preſerved in certain circumſtances, is not an abſolute impoſſibility, and the ſocieties, where it exiſts, I conſider as ſuſceptible of more liberty than thoſe where diverſity of ſentiments and intereſts has taken place.

* Mr. Locke ſpeaks thus of the whole legiſlature: "There "remains ſtill in the people a ſupreme power to remove, "or alter the legiſlative, when they find the legiſlative act "contrary to the truſt repoſed in them." This, I believe, will be controverted no where. I have never read the hiſtory of any nation whoſe legiſlative told it, that they had a right to act contrary to the truſt repoſed in them. And even in

It is in effect telling every claſs of people, "When the government of this country is "not conducted in a manner pleaſing to your- "ſelves, you are to conſider the king as hav- "ing forfeited his right to allegiance." Such a doctrine, when urged ſeriouſly, I muſt always conſider as pernicious in a nation, where variety of intereſts is to be attended to. Whoever judges by a ſtandard of this kind, and our diſappointed people judge by no other, which they have the effrontery to call the conſtitution, may eaſily find abuſes in govern-

in Britain, for which the doctrine was particularly intended, it will not apply till a majority of the people are unanimous, that the acts of the legiſlative are contrary to the truſt repoſed in them. To tell them, therefore, when unanimous, that they have a right to remove or alter the legiſlative, is not at all neceſſary. It is telling them no more than what, as Hooker obſerves, they always knew, that when force and violence is offered, they may be defenders of themſelves. To lay down general maxims, with regard to which men ſeldom diſagree in the abſtract, but almoſt always in the application, is a taſk from which no very important inſtruction can be derived. If we would do ſervice to mankind, we ſhould conſider of the means whereby their unanimity may be promoted, whereby a more general concurrence of opinion, as to the truſt repoſed in the legiſlature, may be eſtabliſhed, than has hitherto had place in moſt civilized nations. Thoſe authors, to do them juſtice, who have inſiſted upon an agrarian, have made this the object of their ſpeculations. There are ſome circumſtances in our conſtitution, taken little notice of, which tend to effect the ſame end, and which, when we conſider the efficacy and tranquillity of their operation, we cannot but pronounce infinitely ſuperior to any that have hitherto been adopted.

ments,

ment. What they profeſs in general, that they have no intention to abridge eſtabliſhed rights and privileges, they forget in detail; for the ſtandard by which they eſtimate, operates to the extinction of all diſtinctions in the ſtate.

It has already been obſerved, that were a government, like the Britiſh conſtitution, to be introduced among men of ſuch jarring opinions, and contrary views as the ancient Egyptians, he who judged by the rule of the conſtitution, would, in almoſt every caſe, find the meaſures of government what they ſhould not be. The ſame holds if you apply the ſtandard of a ſimple commonwealth to the government adapted to the preſent ſtate of ſociety in Britain. This matter deſerves to be more particularly conſidered. Similar occupations give riſe in every part of the world to ſimilar habits. Were an individual, therefore, to frame a government for men in the ſame circumſtances with himſelf, his laws, as I have ſaid, if conformable to the dictates of his own mind, would meet with general approbation. The ſame holds, when the laws are impoſed by a ſociety, among whoſe members great uniformity of character prevails; every one perceives them to be what he thinks they ought to be. This is what the inſtitutes of every real republic ſuppoſes to be the condition of mankind. The legiſlative and cenſorial powers differ in no reſpect. The conduct of him who adheres to the laws, meets with the

the approbation of every one. But if we ſuppoſe, that in a ſociety conſiderably advanced in the arts of life, an individual, whoſe views have been limited to a particular rank or profeſſion, ſits down to frame laws for his country, his regulations will differ in many reſpects from thoſe which experience has taught it to eſtabliſh. In the ſame manner, when his country impoſes its laws upon him, the feelings of his heart do not in every reſpect coincide with their deciſions. He, ſays the individual, who has done what I think amiſs, ought to be puniſhed; but, ſay the laws, he only ſhall be puniſhed, who has done what all the different ranks of the ſociety, after conſidering the circumſtances of each other, allow to be criminal, and of which he may be convicted, conſiſtently with the rights which the ſame ranks collectively recognize in themſelves individually. Hence the difference between the legiſlative and the cenſorial powers. The deciſions of national juſtice have reference to a general, thoſe of individuals to a particular experience.

The cenſorial and legiſlative powers of a mixed ſtate are thus diſtinguiſhed by Mr. De Lolme: "The end of legiſlation is not to "have the particular intentions of individuals, "upon every caſe, known and complied with, "but ſolely to have what is moſt conducive "to the public good, on the occaſions that "ariſe, found out and eſtabliſhed:—but it is

"the

" the opinion of individuals alone, which con-
" ſtitutes the check of a cenſorial power." Admitting this account, which, from what has been ſaid, appears ſufficiently juſt, will not the conduct of thoſe who adhere to the general laws of the ſtate, be frequently the object of the cenſorial power of individuals? Hence it is remarked, that men who are mere ſlaves to popularity, are unfit for offices of public truſt. There are points in which all the members of every free ſtate are ſuppoſed to agree. The rulers who diſregard the good opinion of the people in theſe are unworthy of their ſtations, and indeed cannot long enjoy them; but when the caſes occur in which the diſpleaſure of parties and factions is an unavoidable conſequence of executing the will of the community, it is equally their duty to cenſure. That parties and factions are very liberal of cenſure upon theſe occaſions, cannot have eſcaped the notice of any who beſtow the leaſt attention on what paſſes among ourſelves.

The views of a party are no ſooner croſſed, than all its members are out of humour with the government. Every one exclaims that the conduct of the miniſtry is become arbitrary; that the conſtitution is in danger; and that, if things go ſo, it muſt inevitably be ruined. In all which it is very complaiſantly taken for granted, that the intereſt of the party is in no reſpect different from that of all their fellow-ſubjects. If this be too groſs an impoſition, private reſentments

ſentments are maſked under a pretended concern for public good. The conſtitution would tell ſuch, "my exiſtence is not the phantom of your "pleaſure, nor my annihilation the phantom "of your diſpleaſure. I am, as it were, a re-"cord of thoſe articles in which all the hete-"rogeneous parts of the ſociety concur and "agree; there are thouſands in which they "diſagree. With theſe I have no concern, "whatever individuals, factions, or parties "may alledge to the contrary. An attack "upon any of my conſtituent parts would "bring millions to my aſſiſtance."

I now recapitulate an objection formerly ſtated. I obſerved, that as nothing is more likely in a complex ſociety than that different claſſes and denominations of men will view government in different lights; ſhould any one claſs or denomination, who may happen to be diſpleaſed with its operations, have a right to tell the ſupreme magiſtrate, that he no longer ſtands in that relation to them, the conſequence would be continual tumults, inſurrections, and rebellions. Here it was objected, How ſhall we diſtinguiſh between the operations of government which excite the diſpleaſure of a party from private views, and thoſe which violate the common rights of the ſubject? To this a ſatisfactory anſwer has been given. An attack upon the common rights of the ſubject will produce a concurrence of at leaſt a majority of all the different orders and

parties throughout the kingdom, which concurrence will diſcover itſelf in the conduct of their repreſentatives. If any one is diſpoſed to queſtion this, let him point out to me at what time the well-grounded complaints of the people have not met with redreſs, and at what time that redreſs was obtained, but by their repreſentatives. All oppoſition to government, therefore, without this concurrence, can be conſidered only as proceeding from motives peculiar to the oppoſers.

It was a concurrence of this kind which effected the Revolution. The two principal parties, which at that time divided the nation, diſagreed greatly in their particular views and ſentiments; but when an attack was made upon the eſſential rights of the community, by the diſpenſing power which the king aſſumed, a coalition immediately took place. If it ſhould happen that the conduct of parties does not evidence any ſuch thing as the coincidence of intereſts from which this concurrence can only ariſe, all that can be ſaid is, that the ſociety compoſed of ſuch parties is incapable of liberty *. They are of a deſcription with that individual

* "When the component parts of a ſtate are ſo extremely "corrupted," ſays Machiavel, "that civil laws cannot re-"ſtrain them, it is neceſſary to ordain a king, whoſe abſolute "power may bridle all exceſſive ambition and corruption." This maxim neceſſarily reſults from the account I have given of liberty; I have obſerved, that it muſt always diminiſh with reſpect to ſome of the members of a ſtate, in proportion to the

individual whom Socrates pronounces unfit for liberty, and whoſe greateſt happineſs it is to find a merciful maſter. The rule of each party is tyranny in the eye of every other. This was the condition of the Romans during the greateſt part of their commonwealth. What then has prevented the ſame pernicious oppoſition of intereſts among us? How came it that the different ſentiments which prevailed here at the time of the Revolution, were not attended with ſuch a cataſtrophe as the contention between the parties of Marius and Sylla? What was the cauſe that, when circumſtances enabled the nation to ſplit and divide the executive branch of government, the people were poſſeſſed of habits which rendered it impracticable? Was it not the powers which they had been

the diverſity of ſentiments that prevail among the different orders or bodies which compoſe the ſtate. This diminution is conſiſtent with voluntary ſubmiſſion, and conſequently with ſome degree of freedom, till laws are enacted, which to ſome appear ſo detrimental, that the advantages derived from the ſtate are thereby overbalanced. This is always the caſe of a ſtate which is extremely corrupted. The being extremely corrupted ſuppoſes, that the component parts conceive their intereſts to be oppoſite. Were the laws, therefore, in ſuch a ſtate to be made by the people at large, to the minority the evils of them would appear beyond compenſation: however they might be compelled, they would hold themſelves under no obligation to ſubmit. Here we have, "every "one his own legiſlator," the circumſtance which ſome men think alone ſufficient to conſtitute the moſt perfect liberty; and yet part of the people conceive they have a right, as ſoon as they can obtain power, to ſubvert the laws, which, in my idea, amounts to the deſcription of perfect ſervitude.

accuſtomed from time immemorial to conſider as inſeparable from the crown? Was it not the terror of theſe powers which originally produced, throughout this nation, a ſpecies of union not to be found among the different ranks of any other? Was it not the ſame which effected that happy arrangement of things, that the nobleman cannot vindicate his own rights without being at the ſame time an advocate for thoſe of the meaneſt ſubject? Above all, was it not the cauſe which has ever kept the repreſentatives of the people true to the truſt repoſed in them by the people.

When we read Lord Bolingbroke, who is the only opponent of government whoſe political pieces deſerve reading, we are led to think that there is no evil in the ſtate, of which the power of the crown is not the ſource. "Were "I to relate all the evils that have ariſen in "the world from civil laws, I might," ſays Monteſquieu, "tell of frightful things." It is not denied, that the power of the crown has been productive of evils; but it is a falſe way of reaſoning againſt it to collect a detail of even the real evils which it has produced, if at the ſame time we do not enumerate the advantages which have reſulted from it. What holds of every general inſtitution founded on experience, is peculiarly applicable to this. "The "advantages reſulting from it lie cloſely con-"cealed, while the little inconveniences that "attend them are moſt ſenſibly felt." But it is eaſy to account for the diſadvantageous colours

in which his lordſhip exhibits the influence of the crown. He repreſents us as in the ſituation of perfect republicans; at leaſt, his reaſoning, as I have ſhewn, is applicable to no other ſituation. Among perfect republicans ſuch a power as that of our monarchy is not neceſſary. Let it be remembered, however, that the equality requiſite to conſtitute a perfect republic is entirely chimerical; it exiſts in no ſociety that has made the ſmalleſt progreſs in the arts of life. In every ſuch ſtate there are inequalities, and as inequalities have a tendency to produce ſeparate intereſts, the queſtion is, what are the political arrangements which moſt effectually counteract this tendency, and lead different ranks to form a common intereſt? The mode of accompliſhing this, which occurred to the ancient republicans was, that the laws ſhould be made by the ſuffrage of the people at large, and that thoſe who put them in execution ſhould be annually choſen by the ſame *.

* "Maxima cuſtodia libertatis eſt," ſays Livy, "ut "magna imperia diuturna non ſint, & temporis modus im-"ponatur quibus juris imponi non poteſt." From what we are taught to conſider as the ſituation of mankind in the early ages of the republics of Greece and Italy, it was natural to adopt this idea. They were ſmall ſtates, and the equal diviſion of property among all the brothers of a family ſupplied, in ſome meaſure, the place of an agrarian. But this, together with ſeveral other regulations calculated to prevent the accumulation of property in particular hands, is overlooked by many politicians, who borrowing their notions from antiquity, continue to aſcribe the ſame efficacy to frequent elections and popular ſuffrage.

Theſe

Theſe means may preſerve an identity of intereſt between the governors and the governed, when the latter live on terms of equality, but have always proved very inadequate in ſocieties where diſtinction of ranks has taken place. In all ſuch, whatever their forms may be, the rich direct the legiſlation and the elections; or rather, they are poſſeſſed of both from the beginning. The conſequence is, that tyrannical laws are enacted in order to be executed in a tyrannical manner. Monteſquieu has advanced on the beſt grounds, that of univerſal experience, "that when the legiſlature and executive powers are united in the ſame perſon, or in the ſame body of magiſtrates, there can be no liberty." The author of the Account of the Engliſh Conſtitution has ſhewn at full length, that the precautions taken in the governments, commonly denominated republics, to keep theſe powers ſeparate, are very inadequate, and cannot poſſibly be otherwiſe. No ſooner was any one raiſed by the people in the ancient republics, to a ſtation wherein he might have defended the people, and moderated the exceſſes of the executive power, than he found an intereſt in deſerting their cauſe, and aſſociating with the grandees. To uſe the language of my author, "How could it be expected, that men who "entertained views of being prætors, would "endeavour to reſtrain the power of the præ-"tors; that men who aimed at being one day "conſuls, would wiſh to limit the power of

"the

" the conſuls; that men whom their intereſt " with the people made ſure of getting into the " ſenate, would ſeriouſly endeavour to confine " the authority of the ſenate?" The kings being expelled from Rome at an early period, there exiſted no effectual power in the ſtate which might render it neceſſary for the grandees to keep within the bounds of moderation and decency *. The cauſe of general liberty

* In every country where circumſtances require a king, we may pronounce *à priori*, that the diminution of public liberty is in proportion to the abridgment of the regal power: whence ſo much ſlavery in Poland. Monteſquieu anſwers in one word: " The independence of the few is the cauſe of " general oppreſſion." The king has ſcarcely any authority. The conſequence is, that each of the nobles is a tyrant within his own diſtrict. By what means might liberty be introduced into Poland? either by exterminating both king and nobility, and eſtabliſhing an agrarian; or by conferring ſuch a degree of power on the prince as would enable him to ſuppreſs theſe petty tyrannies, and to ſubject the whole kingdom to the ſame laws. This would conſolidate the whole. It would make the grandees, as happened here ſoon after the Conqueſt, unite in one common cauſe with the people. If the degree of power in the ſovereign neceſſary to effect this end ſhould give riſe to particular abuſes, the union it creates in ſociety is always ſufficient, ſooner or later, if there is not ſomething peculiar in the caſe, to remedy theſe. The reduction of the exorbitant powers of the crown which continued for ages productive of evils in this country, was not effected but in conſequence of various ſtruggles and unremitted efforts. The very circumſtance, however, which rendered theſe efforts ſucceſsful, was the formidable power of the crown. Had there been no ſuch power in the nation, our ſtruggles would have been attended with no more advantage, in regard to the body of the people, than were thoſe between the Roman plebeians and patricians.

was

was deſerted in conſequence of the very frame of the government. And the conduct of the ſenate and the magiſtrates indicates, upon too many occaſions, that this arrangement was not without its influence.

But the chief excellence of our conſtitution is, that the diſtribution of power which it has made, is ſuch, that the Houſe of Commons, thoſe to whom the people intruſt the care of their intereſts, cannot ſeparate their own intereſt from that of the people. If any one could entertain a doubt of this, he needs only turn to the author juſt quoted, who has ſhewn to a demonſtration, that the intereſts of the collective and repreſentative bodies are, by the arrangements of the conſtitution, completely united, and that the latter has always acted conformably to what might be expected from ſuch an union *.

If ever it was true of any government, it holds particularly of ours, that its ſeveral parts

* "The executive power," ſays my author, "being "made in England, the indiviſible unalienable attribute "of one alone, all other perſons in the ſtate are, *ipſo facto*, "intereſted to confine it within its due bounds;" as a conſequence of this he obſerves in another place, that "if "at any time the repreſentatives of the people ſhould be "inattentive to the intereſts of the people, it can ariſe "only from motives peculiar to themſelves, and that a new "ſet of mēn in the Houſe of Commons may be pronounced "from that ſingle circumſtance, to be in the intereſt of the "people." Here we ſee the attention of the Houſe of Commons to the truſt repoſed in them is aſcribed, not ſo much to the efficacy of an election, as to the ſituation in which

parts are so adjusted that none can neglect its duty, nor abuse its trust. Should the legislative invest the executive with undue powers, the legislators can transfer none of these powers to themselves. On the contrary, they would be among the first who felt the evil effects thence arising. Should the executive extend its power beyond the legal limits, opposition to its measures would be general. In this I am authorized by the whole tenor of our history. The executive power has never exceeded the limits prescribed by law, without exciting a general opposition. As soon as an attack was made, in the reign of Charles the First, on the privilege of granting supplies, the House of Commons vindicated with zeal that great right of the nation, which is the bulwark of all others. If, in the court of Charles the Second, "a foreign interest prevailed; if a cabal governed; and "if sometimes that cabal, and sometimes a

which they find themselves placed by the constitution. None, I believe, who know any thing of the manner in which our elections are commonly conducted, will be disposed to controvert this proposition. This peculiar situation of the representatives of the people has secured to this nation the enjoyment of more liberty than frequent elections could ever procure to the ancient republics. And he who exerts himself in support of the general arrangement of things, which keeps the representatives in this situation, is more a friend to the liberties of his country, than all those who busy their heads so much about the state of election; the abuses whereof, in all societies like ours, are in a great degree irremediable.

" miniſter, had more credit with the king
" than the whole body of his people; the par-
" liament, when they ſaw that they could not
" gain him over to his own, and to their com-
" mon intereſt, by gentle methods, turned them-
" ſelves to ſuch as were rough," ſays the noble author of the Diſſertation on Parties, " but agree-
" able to law, and the cuſtom of parliament."
" He diſſolved three ſucceſſive parliaments,
" without any other effect," ſays De Lolme,
" but that of having the ſame men rechoſen and
" ſet again in oppoſition to him." If it be ſaid, that of late our parliaments have made no ſuch ſtand againſt the power of the crown. I anſwer, that the intention of parliaments is not to be always oppoſing the crown, but then only, when the crown exceeds the limits preſcribed to the exerciſe of its authority. If therefore general oppoſitions have of late been rare, it is a ſtrong argument that the conduct of the executive power has been ſuch as to give no real occaſion to them. This argument I muſt conſider as concluſive, till it be ſhewn, in what reſpect the power and privileges of parliament have been abridged; or till it be ſhewn in what reſpect thoſe mounds of the conſtitution have been demoliſhed, which from the beginning confined them ſo ſtrictly to the guardianſhip of public liberty *.

I have

* Thoſe who can ſee the peculiar reſtraints which the Houſe of Commons are under, and how much the conſtitution has put it out of their power to gratify any immediate intereſt,

I have ſaid, that the nature of our government, and the intimate connection which it has produced among all ranks of men, authorize me to conclude, that all oppoſition to government, without a general concurrence, proceeds from motives peculiar to the oppoſers. Taking for granted, then, the coincidence which I have all along conſidered as the grand preſervative of our rights, and which is ſuppoſed by every part of the conſtitution, I addreſs the preſent opponents of government thus: "If your reſentments ariſe from private "diſappointments, the pretences under which "you endeavour to cloak them deſerve the "execration of all your fellow-ſubjects. If "you are vindicating eſſential rights, there is "no doubt but your attempts will meet with "the approbation and concurrence of all your

tereſt, ſo as thereby to betray the cauſe of public liberty, may be ſurprized that ſuſpicions of their integrity ſhould have gone abroad. But let them conſider the pains and aſſiduity which are every day uſed to diſſeminate malicious reports, and to inſtil ſuſpicions; and the diffidence which ſome entertain of parliament will appear not at all ſtrange. "For "there is no demonſtrated truth which may not be ren-"dered, at leaſt, very problematical, by long, uniform, and "poſitive contradiction; nor any demonſtrated lie, which "may not be rendered probable to many, and certain to "ſome, by long, uniform poſitive affirmation." One ſource from which I ſhould expect political reformation is a reſtoration of that confidence in our repreſentatives, to which the uniform tenor of their conduct juſtly entitles them. To all who know any thing of human affairs, it muſt appear, that if our liberties are defenſible, it muſt be by parliaments alone. Parliaments procured them, and when parliaments ceaſe to be their guardians, they will be no more.

" fellow ſubjects." Here we join iſſue, ſay they. Individuals flatter themſelves extremely, if they hope to make the nation angry, becauſe they are ſo. " Does not the nation eſpouſe our " cauſe? Have not many petitions, during " the laſt ſeſſion, been ſent to parliament, " praying redreſs of the grievances of which " we complain?" A very ſmall part of the nation in compariſon adopted your grievances, or ſignified any approbation of your conduct. And under whoſe guidance and direction did that part act?

You tell me, that if your reſentments were of a private nature, you could not expect to make any part of the nation angry becauſe you are ſo. There is too much modeſty in this. As a government has never yet exiſted from whoſe frame particular hardſhips have not ariſen; is it ſo very uncommon that thoſe who feel theſe hardſhips ſhould miſapprehend the cauſes of them, or that there ſhould be ſome who find an advantage in miſleading their attention? How came it, that ſuch numbers flocked to the ſtandard of Catiline, and abetted his deſigns with ſo much conſtancy and zeal, that though rewards were offered to every one who would diſcover, and a pardon proclaimed to all who, within a certain time, ſhould lay down their arms, not one departed from his camp? The profligacy of the age, and the deluſive gloſſes which he and his aſſociates put upon their ends, were not the ſole cauſes. The hiſtorian

hiſtorian tells us, that all over the empire the people were oppreſſed with debt, and exaſperated at the cruelty of creditors. Was this owing to any particular negligence or impolicy in thoſe who were in the Roman magiſtracy at that time? No; it was owing to the impolicy of the Roman laws reſpecting debtor and creditor; which, as Monteſquieu obſerves, had frequently thrown the republic into danger. Was Catiline a character from which redreſs of the grievances thence arising might reaſonably have been expected? It is true, he promiſed an abolition of debts, a lure not unlike our modern theories of liberty and reformation; but I reckon the expectations of no man of common ſenſe, and of common honeſty, were very ſanguine upon the occaſion. We ſee, however, there were real grievances at that time. But we may believe that grievances, reſulting from a government that had ſtood for ſuch a length of time, could not be removed all on a ſudden. If the reader will turn to the laſt chapter of the twenty-ſecond book of the Spirit of Laws, he will ſee, at one view, from the frequent alterations which the republic made in the rate of intereſt, how much the beſt citizens were perplexed upon the ſubject of the laws in queſtion *.

* That the experience of the Romans had not ſuggeſted wiſer laws in this caſe, is to be attributed to the frame of their government, which, from the very beginning, retarded, or rather defeated, all attempts to remedy the oppreſſions of the powerful.

Catiline

Catiline ſaw no difficulty in the matter, at leaſt he pretended ſo to the people, and made them believe, that all the heſitation of the men in power to comply with their petitions, was merely the effect of corruption, and the love of tyranny, and that if ſuch upright and public ſpirited men, as himſelf and his aſſociates, had the management of affairs, proſperity and happineſs would ſoon be reſtored to the commonwealth. The conduct of the government was painted in the moſt odious colours, and contraſted with what the populace chimerically thought it ſhould be. What reſulted from the defects of the conſtitution was laid to the charge of the magiſtrates. Of the many invectives that were thrown out, it would have been odd, if, for ſome, there had not been foundation in the characters of men. But whoever will for a moment conſider the ſtate of things at that time among the Romans, will perceive, that had the magiſtrates been any thing leſs than angels, evils and abuſes in the government of ſuch a ſtate were inevitable. Had it been capable of reformation, the method of Catiline to ſtir up the people againſt the laws was contrary to the intereſt of the ſociety, in every ſenſe of the word. If there be any foundation for this maxim, that the virtues and vices of a people, at the time when any revolution happens in their government, are the meaſures of the liberty and ſlavery which they ought to expect; the Romans, at the

ſime in queſtion, had little ground to promiſe themſelves a better condition. Theſe conſiderations gave Catiline no concern. Tumult and arms were the only means whereby he could extricate himſelf from the diſtreſs in which his profuſion and diſſipation had involved him.

That ſpecious pretences, therefore, ſhould miſlead the people, and induce them, on ſome occaſions, to act contrary to their acknowledged intereſt, is not a thing new in the hiſtory of mankind. The ill humours ariſing from particular hardſhips, which government can neither always prevent, nor attend to, are, as it were, a fund in every ſtate which a ſmall degree of artifice and dexterity may render inſtrumental in promoting any cauſe. Here I have put the moſt favourable conſtruction on the diſcontents of the people. Lord Bacon ſpeaks upon the ſame ſubject as follows: "As "for diſcontentments, they are in the politi-"cal body like to humours in the natural, "which are apt to gather preternatural heat, "and to inflame. And let no prince meaſure "the danger of them by this, whether they "be juſt or unjuſt; for that were to imagine "people to be too reaſonable, who do often "ſpurn at their own good; nor yet by this, "whether the facts whereupon they riſe be "in fact great or ſmall; for they are the moſt "dangerous diſcontentments, where the fear "is greater than the feeling. Dolendi modus "timendi non item." His Lordſhip we ſee,

was

was of opinion, that real grievances are ſeldom or ever the meaſures of people's diſcontentment. In another place he tells us, "that no "thing is more popular than the ſupplanting or "oppoſing of an eſtabliſhed authority." This is more frequently the caſe than ſome are willing to allow. Government being a curb upon the vicious paſſions of human nature, its adminiſtrators may expect oppoſition from numbers who are aſhamed to avow their real motives. Whether there are any ſuch in the preſent virtuous age, it would be ſuperfluous to enquire. The ſervice they did to Catiline is is fully recorded *.

There is no occaſion, however, to aſſert, that all complaints proceed from theſe opprobrious cauſes. The imperfections of man cleave to all his productions. Though the nature of our government has enabled us to rectify, or rather prevent, many abuſes which ſubſiſted among the Romans, no one will take upon him to ſay, that there are no hardſhips among us, proceeding from the imperfection of our laws, for which the wiſeſt heads have not yet been able to deviſe adequate remedies. Should a deſperate faction ſtart up,

* "——Cuncta plebes novarum rerum ſtudio Catilinæ "incepta probabat. Id adeo more ſuo videbatur facere. "Nam ſemper in civitate, quîs opes nullæ ſunt, bonis in"vident, malos extollunt; vetera odere, nova exoptant, "odio ſuarum rerum mutari omnia ſtudent, turba atque "ſeditionibus ſine cura aluntur, quoniam egeſtas facile ha"betur ſine damno." SALL. in Bell. Cat.

and

and availing itſelf of the indiſpoſitions thence ariſing, tell government that the people are angry as well as they, every impartial man would concur in calling the plea unfair. What mode of addreſs is it moſt likely that ſuch a faction would uſe? Would it tell the people, at the ſame time that it admitted and exaggerated their grievances, what the real ſource of them is, that they are chargeable upon no particular ſet of men, that the removal of them will be attended with difficulty, and can be effected only by mature deliberation and enquiry? Or would it not rather point out as the ſole cauſe of grievances, thoſe who are the objects of its own private hatred? Would it not rather tell the people that the evils they complain of may be eaſily and ſpeedily removed, and that to aſk time to deliberate, is a mere evaſion, if not a downright refuſal of their petitions? Here we may obſerve the advantage, as to the article of popularity, which thoſe who oppugn an eſtabliſhed authority have over thoſe who ſupport it. The former addreſs themſelves to men who conſider every incident as particular and detached. They ſee no reaſon why one thing ſhould not be otherwiſe than it is, while another inſeparably connected with it ſhould remain as it is. But as every eſtabliſhment is the reſult of experience more or leſs imperfect, the conduct of thoſe who act conformably to its rules can be

vindicated only to the ſatisfaction of thoſe who can trace the connection of events.

But it is aſked, What if the men in power ſhould be the only impediment to reformation? Catiline may ſay ſo, and find an intereſt in making his followers believe ſo; but I can ſuppoſe no ſuch thing. Rulers, if they do not always liſten with an auſpicious ear to complaints, are ſeldom fraught with deſigns ſo bad as his. I do not ſee the neceſſity of ſuppoſing that men in power are eternally plotting againſt liberty and the public good. In this country in particular, if we may believe our oppoſitions, we have a ſtriking proof of the contrary. Our conſtitution, according to them, was a dead letter fifty years ago, and our liberties at the mercy of miniſters. Had theſe miniſters been as inimical to liberty as their antagoniſts repreſent them, we ſhould long before this have enjoyed none at all. If it be allowed that this was a falſe alarm, that it never fared ſo ill with the conſtitution as repreſented, I muſt entertain the moſt violent ſuſpicions of every thing that comes from the ſame quarter; for no pains, no aſſeverations were ſpared to impreſs the minds of the people with theſe groundleſs apprehenſions.

Admitting then that the conſtitution ſtill exiſts, it may be aſked, Which of its bulwarks has been overthrown or undermined of late? What ſteps have been taken to render it the intereſt of the repreſentatives

to betray that of their conſtituents? Have the right of election, or the privileges of parliament been violated? Has there not been ſufficient freedom of ſpeech and debate in the Houſe? Has that freedom of ſpeech and debate been impeached or queſtioned in any court out of the Houſe? To whom has common right been denied? Has the courſe of juſtice been diſturbed or delayed? Has any article of Magna Charta, or of Habeas Corpus, been infringed? Who has been impriſoned, diſſeiſed, or out-lawed contrary to the law of the land? Theſe are the eſſentials of our legal liberties; liberties which, in our circumſtances, the imagination of man can ſcarcely extend or improve; and it is not even pretended that a breach has been made in any of them. "If "there has not, is there not ſtill room for "mal-adminiſtration?" Yes. In the moſt perfect conſtitution ſomething will always depend upon the perſonal character of its miniſters; but I would aſk thoſe who arraign the conduct of the preſent in this reſpect, have you propoſed any amendments to our conſtitution, which will lay miniſters in general under ſtricter obligations than hitherto they have been? If not, what peculiar pledge or ſecurity have the public, were you in office, againſt mal-adminiſtration from the ſame ſource? Has the tenor of your lives hitherto given us aſſurance of the rectitude of your future conduct? It is true our ears are every day ſtun-

ned with panegyrics on the uncommon abilities, unſpotted integrity, and ſtrict honour of men while they oppoſe government. If we enquire what becomes of all this ſuperlative eminence when they come into office, the anſwer is, they drop it for the uſe of their ſucceſſors. Office, like Meduſa's head, effects a prodigious transformation. There is no crime, no meanneſs, of which in the eſtimation of their former idolizers, they are not now capable *.

" The preſent miniſters have impoveriſhed " the nation by attempting to carry into ex- " ecution impracticable ſchemes." Theſe

* The following extract taken from an author, one of whoſe greateſt faults ſeems to have been the telling of too much truth, will enable the reader to acount for this phenomenon philoſophically: " The oſtraciſm of the Greeks," ſays he, " was a ſacrifice of valuable men to epidemic envy, and " often applied as an infallible remedy to cure and prevent " the miſchiefs of popular ſpleen and rancour. A victim " of ſtate often appeaſes the murmurs of a whole nation, " and after ages frequently wonder at barbarities of this " nature which, under the ſame circumſtances, they would " have committed themſelves. They are compliments to " the people's malice, which is never better gratified than " when they ſee a great man humbled; we believe that we " love juſtice, and to ſee merit rewarded; but if men con- " tinue long in the firſt poſts of honour, half of us grow " weary of them, look for their faults, and, if we find " none, we ſuppoſe they hide them, and it is much if the " greateſt part of us do not wiſh them diſregarded. This " foul play the beſt of men ought ever to apprehend from " all thoſe who are not their immediate friends and ac- " quaintance, becauſe nothing is more tireſome to us than " the repetition of praiſes we have no manner of ſhare in."

ſchemes

ſchemes, whether practicable or impracticable, were laid down by their predeceſſors, ſome of whom, you their preſent antagoniſts were. But I thought, that after having admitted the eſſentials of liberty to be unviolated, your charges of mal-adminiſtration had reſted ſolely on the perſonal characters of men. Againſt what you now mention, there is ſufficient proviſion in the conſtitution. This country cannot be impoveriſhed, miniſters cannot touch a halfpenny of the people's money, without the concurrence of parliament, which implies that the ſchemes of miniſters are approved by parliament. He who goes about to tell the nation, that it is impoveriſhed by its parliament, deſerves the notice of neither.

Let us hear, however, in what ſtrain he talks: "The independence of parliament is "deſtroyed, corruption is triumphant, the "majority, like a tame, well-tutored flock, "follow their bell-wether obſtinately, but "never tread upon his heels *." Theſe are ſtale complaints: they have been ſo often cooked up, that they are now become nauſeous. If we admit the truth of them, the only inference that can be drawn is, either that our liberties muſt have been deſtroyed long ago, or that miniſters have acted in the intereſt of the people; in which caſe thoſe who originally muſtered up the charges, tell us that the mea-

* Second Letter of the Diſſertation on Parties.

ſures

ſures of government will always meet with the concurrence of an independent parliament. There is but one alternative, either liberty is deſtroyed, or the meaſures of government are not inimical to liberty. If it be ſaid, that the meaſures of government are only operating the deſtruction of liberty, I reply, they were doing ſo fifty years ago, if we can believe the oppoſition of that time. If I am told that the charge was ill-founded then, but that it is not ſo at preſent; I muſt be allowed to obſerve, that however much the preſent oppoſition ſurpaſs in other reſpects, it has not diſcovered more plauſibility upon the ſubject, than was ſhewn by the oppoſition of that æra. If I am to diſbelieve the allegations of the one, I muſt diſbelieve the allegations of the other; for, after the ſtricteſt ſurvey, I can find no more immediate tendency in the meaſures of the preſent day, than in thoſe of the laſt age, to deſtroy liberty. I defy even the moſt violent arraigners of preſent meaſures to ſpecify one article in our liſt of grievances which was not repreſented fifty years ago, as immediately deſtructive to liberty. Was not corruption of parliament, waſte in the public expenditure, accumulation of debt and taxes, the burden of Lord Bolingbroke's ſong? "Did not our "miniſters, in the days of his patriotiſm, pro-"ceed deliberately, and ſuperciliouſly, from "blunder to blunder, from year to year, in "one perpetual maze of confuſed, incoherent,

"incon-

" inconſiſtent, unmeaning ſchemes of buſi-
" neſs?"

I know no form of government that can effectually prevent theſe evils, but the republic above ſuppoſed. There, indeed, a miniſter who ſhould preſume to proceed in this manner, or calumniators of his conduct, when he did not proceed in this manner, would ſoon meet with their deſerts. But as theſe are not our circumſtances, we muſt put up with the inconveniencies to which our fathers ſubmitted. We may always expect to find ſome venting the worſt paſſions of the human heart under pretences of public good. There is ſomething in the nature of our government that favours the deception. For were it on the verge of democracy, the very ſame arguments which have for half a century paſt been uſed againſt the influence of the crown, would ſerve equally to alarm the people *.

The harangue of every oppoſition declaimer, taken with its concomitant circumſtances, amounts

* During laſt ſeſſion a bill was ſent from the Commons to the Upper Houſe, the intention of which was to exclude from ſeats in the Lower Aſſembly all thoſe who contract with government to ſerve any part of his Majeſty's fleet or army with ſtores. As no facts were ſtated in the preamble of the bill, it was aſked, whether it would be juſt in their Lordſhips to concur in diſqualifying any deſcription of men on mere ſurmiſes? In oppoſition to this, it was obſerved, that the conſtitution itſelf looked upon ſuch perſons with a ſuſpicious eye, and that others accordingly had been diſqualified for ſimilar connections with government; viz. thoſe concerned in

amounts to this: "The oppoſitions in this "kingdom have always talked with great ſo- "lemnity and plauſibility. Notwithſtanding "*diſpaſſionate men may allow that the public good* "*has been continually promoted**; were we to "take all that oppoſitions have ſaid in the full "latitude, it behoved us to think, that the "whole proceedings of miniſtry, and conſe- "quently of government, have been one con-

in the management of taxes, commiſſioners of the navy, victualling office, &c. This is one of thoſe arguments which may be uſed with equal plauſibility, when the democratical part of our government preponderates, as when it is on the verge of abſolute monarchy. For if, to the preſervation of our conſtitution, a certain degree of influence on the members of the Houſe of Commons be neceſſary, which every one who knows any thing of our hiſtory allows, this mode of reaſoning may, and will, by the factious, be employed to deſtroy that which is neceſſary, as well as that which is dangerous. The learned Lord at the head of the law, with an impartiality becoming his ſtation, told the Houſe, that ſince the conſtitution ſuppoſes too little as well as too much influence, the bill preſented a caſe on which their Lordſhips were free to uſe their judgment. Another law Lord, who once occupied the ſame ſtation, conſidering the bill as relating ſolely to the regulation of the members of the Houſe of Commons, gave it as his opinion, that the conduct of their Lordſhips ought to be determined by that of the other Houſe. Here I would, with all deference, aſk a few queſtions; Does not the conſtitution ſuppoſe, what has happened in fact, that either Houſe of Parliament may propoſe regulations ſubverſive of the equilibrium of the conſtitution? Does it ſuppoſe, in ſuch caſes, that the conduct of the one Houſe is to be determined by that of the other? Was not the regulation in queſtion of that ſort with reſpect to the admiſſion of which, the Houſe of Lords have always ſhewn themſelves particularly jealous?

* See the Account of the Engliſh Government, p. 178.

tinued

" tinued violation of the conſtitution. To com-
" penſate, however, for this peculiarity of judg-
" ment, a particular meaſure, when once eſta-
" bliſhed, has always been conſidered by every
" ſucceeding oppoſition, as perfectly conform-
" able to the conſtitution. But that oppoſition
" of which I have the honour to be a member,
" differs totally in all theſe reſpects. Though
" we cannot talk more plauſibly than others
" have done, the people may depend upon it,
" that the preſent miniſtry are offering violence
" to the conſtitution, that this is the ſole motive
" of our oppoſition to their meaſures; that
" every thing which we prognoſticate will
" prove true, though almoſt every thing which
" our predeceſſors prognoſticated proved falſe;
" and that private pique and reſentment, the
" ſprings which, it muſt be owned, in general
" actuated all former oppoſitions, never har-
" boured in the breaſt of any of our members."
There is one good effect from oppoſitions, and it is the only one. While they keep within ſome bounds of decency, they ſerve to keep miniſters on their guard. But this merit can never be allowed them, when their violence increaſes in proportion to the public exigence.

I come now to the ſubject of the petitions that have been ſent to parliament praying redreſs of grievances. We ſhall not diſpute the exiſtence of grievances: the beſt inſtitutions have been productive of ſome; even the theocracy itſelf was not exempted from its ſhare,

The government of this country is now conducted on the plan that was finally eſtabliſhed at the Revolution. If that plan involved in it any imperfections, or has become productive of particular hardſhips, that could not have been foreſeen, they are chargeable upon no particular adminiſtration. From the character of the preſent, there is no reaſon to ſuſpect that they are more averſe to reformations than any other ſet of men in the kingdom. But as our preſent ſyſtem of government is the effect of time, it may be preſumed, that utility ſuggeſted its ſeveral departments. While, therefore, we are reforming particular abuſes in theſe, we muſt not loſe ſight of the general purpoſes for which they were inſtituted.

The petitioners complain of the increaſe of taxes, and of the influence of the crown, as dangerous to liberty. The ſyſtem of finance now followed, is that which was eſtabliſhed immediately after the Revolution. That many objections may be made to it, does not eſcape me; but I believe that every one who has thought upon the ſubject, will allow, that to frame another without the imperfections of the preſent, and which will anſwer the exigencies of ſtate equally well, is a matter of no ſmall difficulty. Taxes have always increaſed when we have been engaged in war. If, therefore, the new taxes are not injudiciouſly laid, which is not pretended, there can be no ground of complaint, while parliament approves of the ends for which they are levied.

In

In what reſpect would you reduce the influence of the crown? "All its influence "upon the Houſe of Commons, excepting "that which is conſtitutional, ought to be "aboliſhed, annual parliaments ought to be "reſtored. No member ought to hold any "place, penſion, or office under the crown." Some, I know, have told you, that the king would, in that caſe, ſtill retain his conſtitutional influence in the legiſlature; but they have neither told you, nor us, at what æra of our government the influence of the crown was reſtricted to theſe limits. Such a thing has not been attempted by any adminiſtration ſince the Revolution, neither, as I have ſhewn, could it be attempted with any good effect in a ſociety like ours. Your inſtructors aſſign to our kings no more influence or power, than the executive magiſtrate of a pure republic would be allowed to poſſeſs. When we are poſſeſſed of the ſentiments required in a pure republic, counſels may ſupply the place of laws; when ambition and intereſt ceaſe to diſunite us, when we become as fond of equality, as the generality of us juſt now are of precedency; we may have annual parliaments without any of that annoyance to the ſociety which has hitherto characterized our electioneering. In the mean time it would become you, as men, who know the world, not to allow yourſelves to be tranſported by the phrenſy of a faction. When you are about to reform, you muſt remember,

if you expect any beneficial effects, that it is a mixed government, and not a republic, which is the ſubject of your reformations. Liberty perhaps cannot be maintained in the latter, without the frequent interference of the people; but he who expects it ſolely from their interfering in the former, ſhews himſelf little acquainted with the nature of ſuch ſocieties.

"Why ſhould the intire independence of the "Houſe of Commons prove detrimental to "our mixed government? Admitting that it "never has been effectually ſecured ſince the "Revolution, that is not a reaſon why it "ſhould not be attempted. Annual parliaments have had place in this nation without any inconvenience." There is a prejudice, not altogether groundleſs in affairs of government, againſt new experiments. If the preſent miniſtry ſhould not have reſolution enough to abandon the path of their predeceſſors, I cannot blame them. The leaſt knowing of you can ſcarcely be ignorant, that the circumſtances of the nation are now widely different from what they were, when annual parliaments obtained among us. At that time the Houſe of Commons was little elſe than a mere implement in the legiſlature. The civil ſubjection of its members deprived it of all political importance *. In

* Lord Bacon ſays, "that under colour of liveries and "retainders, Henry the Seventh and his council brought "the whole kingdom to be of their livery." Of the ſtate of the

In conſequence of the ſtatute of alienations, and the diffuſion of property, it was put into a capacity of giving efficiency to its reſolutions. Being cured of republican whimſies it has fixed the conſtitution at the true poiſe of a mixed government, or, in other words, has brought about a coincidence of the principal intereſts of all the different orders within the kingdom *. Whatever, therefore, tends to throw more weight into one ſcale of government than into another, which the end aimed at by annual parliaments, or what is called an adequate repreſentation, cannot fail to do, tends to annihilate the coincidence, to deſtroy the equilibrium, and conſequently to throw the whole into confuſion †.

But

the country previous to the changes introduced by that monarch, Mr. Harrington ſpeaks thus: "The Lords yet "led country lives, their houſes were open to retainers, men "experienced in military affairs, and capable of command-"ing; their hoſpitality was the delight of their tenants, "who, by their tenures or dependence, were obliged to fol-"low their lords in arms." The firſt appearance which the Commons make in the legiſlative council after the Conqueſt, is in the character of *petitioners*; their requeſt being diſtinguiſhed in ſeveral ancient ſtatutes, that are ſtill extant, from the aſſent of the Lords. In a ſtatute of the time of Richard the Second, wherein the King and Lords reſolve that England ſhall not be governed by the civil law, the Commons are not mentioned. The firſt cauſe of general liberty was the peculiar neceſſity under which the barons, in their diſputes with the crown, found themſelves of intereſting the people.

* All this it did, while the ſtate of repreſentation was the ſame as at preſent.

† "Where a nation is caſt," ſays Mr. Harrington, "by "the unſeen ways of Providence, into a diſorder of govern-

"ment,

But let us ſuppoſe that a Houſe of Commons ſo conſtituted ſhould ſet limits to itſelf, and forbear to exterminate, or incroach upon the other branches of the legiſlature, may I be allowed to aſk, What mighty benefit is expected from this grand innovation? A rational advocate would, I ſuppoſe, reply in the following manner: "Annual parliaments will "make ſuch laws only as are for the good of "the nation, and will take ſpecial care that "theſe laws be ſtrictly executed. Have not ſeptennial parliaments always done the ſame? "Of late they have been too complaiſant to "the crown. They are no longer a terror to "wicked miniſters." Upon what former oc-

"ment, the duty of ſuch, particularly as are elected by the "people, is not ſo much to regard what has been, as to "provide for the ſupreme law, the ſafety of the people." Here our author endeavours tacitly to obviate an objection ariſing from that common maxim, that precedent is the only ſure rule in government. The laws of this country had been ſtrongly tinctured with monarchy and ariſtocracy. It was aſked, how can we deviate all of a ſudden from the ſpirit of our ancient government? Mr. Harrington replies, "The "nation has been caſt, by the unſeen ways of Providence, "into a diſorder of government; the reſult has been a great "change in the ſtate of property. The government, there-"fore, conformable to the preſent ſtate of property, muſt "differ widely from our ancient form." This concluſion would never have been controverted, had it been poſſible to fix property, and the human mind, in the ſtate ſuppoſed by Mr. Harrington. But on what plea do our preſent theoriſts reſt their innovations? There has been no revolution of late in the ſtate of property; yet it is manifeſt to every perſon of the leaſt diſcernment, that the ſchemes they are propoſing tend to deſtroy the balance of our mixed government.

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caſion have they, through this complaiſance, made laws prejudicial to the realm, or allowed a wicked miniſter to eſcape with impunity? "Former miniſtries, it muſt be owned, were "all better than the preſent." Former miniſters were in their day the ſubject of complaint, and poſterity may think well of the preſent. But how does it appear that annual parliaments are peculiarly calculated for making good laws? "They can have no induce-"ment to make any other." What inducement have ſeptennial parliaments to make any other? "The intereſt of a ſtate conſiſts in "the greateſt intereſt of all its parts. The "inhabitants of each part, being the beſt "judges of its intereſt, will naturally ſelect "from among themſelves, if not biaſſed by "external influence, him whom they think "moſt capable of managing that intereſt in "the national council. An aſſembly thus "choſen is unqueſtionably beſt qualified to "conſult the intereſt of a nation. While ſep-"tennial parliaments continue, there is ground "to ſuſpect this bias, whereas in the caſe of "annual, there is little or none. For this cauſe "am I an advocate for the latter." What do you mean by external influence? "I mean not "only that of the crown in general, but the "money of the treaſury which is ſquandered "in abundance every ſeptennial election." I thought there had been other uſes for that money. One thing, we may remark, never

was there a government, to whoſe prejudice groundleſs ſurmiſes have not been diſſeminated.

A material circumſtance, however, is omitted in the account of your annual parliaments. While you are ſo much on your guard againſt external influence, you ſeem to entertain no apprehenſions from internal; that, I mean, which ariſes from men of conſiderable property in each part or diſtrict of the kingdom. Has this no tendency to bias the choice of the electors? Is not influence in the hands of a nobleman or gentleman of fortune, of as malignant a nature as in the hands of a miniſter? If two or three of the former, uniting their influence, can command a majority of the electors, will they not be as much diſpoſed as the latter, to make a property of the county? If ſo, I would aſk any man of common ſenſe, if there be any ground to expect that an annual parliament, elected in this manner, will be more attentive to the national intereſt, than one that is ſeptennial? If to jar and diſagree among themſelves, to diſconcert the national buſineſs, to oppoſe miniſters, whether right or wrong, to encroach upon the executive power, or render it the inſtrument of their tyranny, are the only requiſites in patriotic ſenators, ſuch a parliament would be eminent. But that it ſhould be actuated by any peculiar concern for the general good of the country, is one of thoſe groundleſs conceits with which

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factious ſpirits from time to time intoxicate the imbecility of the vulgar.

This is not mere ſpeculation; it will be found verified in our hiſtory. Burnet, ſpeaking in reference to the public tranſactions in the latter end of King William's reign, delivers himſelf thus: "Though we were falling inſenſibly into a democracy, we had "not learned the virtues that are neceſſary for "that ſort of government. Luxury, vanity, "and ambition increaſed daily, and our ani-"moſities were come to a great height, and "gave us diſmal apprehenſions. Few among "us ſeemed to have a right notion of the love "of their country, and a zeal for the good of "the public. The Houſe of Commons, how "much ſoever its power was advanced, yet "was much ſunk in its credit, very little of "gravity, order, or common decency appear-"ing among them." Here we have a ſtriking repreſentation of the effects attending a too great diminution of the regal power. It will not be ſaid, I reckon, by the preſent generation, that the meaſures of King William's government were ſo little in the intereſt of the nation, as to occaſion, or juſtify the conduct here alluded to in his Commons. To what was it owing then that they would not co-operate with more gravity, order, and common decency to the public good? The hiſtorian aſcribes it to animoſity, luxury, vanity, and ambition, which, according to the maxim

already quoted, require the curb of a more than ordinary power.

It cannot have eſcaped any perſon of the leaſt obſervation, that reaſoning which may be very applicable to ſociety in its moſt ſimple form, correſponds very little with facts, after great diverſity of character has taken place. The Revolution threw a great part of the power of our government into the democratical ſcale. Such a ſituation would have required virtue, or what, in ancient times, was called a love of the public. "The love of our country," ſays Monteſquieu, "ſets every thing right." "But a great ſhare of it," as the ſame author obſerves, "is a very rare thing where mens "fortunes are very unequal." This Biſhop Burnet found to be our caſe in the reign of King William; we had not the virtues which the nature of our government required. I cannot, therefore, but entertain a very great doubt, as to the degrees of melioration which ſome ſo fondly expect from a reformation of the ſtate of election, and a reduction of the power of the crown. They do not go to the root of the evil. "What excellent parliaments," ſay they; "would we have, if miniſterial in-"fluence could be excluded?"

It would be much juſter reaſoning to ſay, that as influence ſubſiſts in various degrees throughout the ſociety, the government of that ſociety muſt have an influence proportioned to its ends, otherwiſe unity in its councils,

cils, and diſpatch in its buſineſs can never be expected. If we demoliſh the influence of government, we muſt demoliſh that of all ſubordinate ranks, for to take away the former, and leave the latter has a direct tendency to introduce a ſtate of diſtraction.

"Shall we be told," aſks Lord Bolingbroke, "that parliaments will not purſue the "national intereſt, unleſs their members are "bought into it by the crown? Something "like this has been advanced, and nothing "more impudent or ſilly could be advanced. "A court that is truly in the intereſt of the "nation, will have, nay, muſt have, a con-"currence of parliament, as it would be eaſy, "if it were needful, to ſhew *." We plead for no more in the crown than an influence proportioned to that which prevails throughout all the ſubordinate ranks of ſociety. If any one is diſpoſed to call this buying the members of parliament into the national intereſt, or by any other opprobrious appellation he may. Before we ceaſe to be advocates for it, we think it very needful to ſhew by a detail of facts, that without this influence the parliaments, which we have reaſon to expect in our preſent circumſtances, would not act in a manner prejudicial to the conſtitution. His Lordſhip, it would ſeem, after retiring from the ſcenes of public life, found his country-

* Sixteenth Letter of the Diſſertation on Parties.

men ſo much under the influence of national ſpirit, that no other was neceſſary to make them co-operate to the public good. Another philoſopher * who, in general, was no inattentive obſerver, does not pay them ſo high a compliment. "The crown," ſays he, "has "ſo many offices at its diſpoſal, that when aſ-"ſiſted by the honeſt and diſintereſted part of "the Houſe, it will always command the re-"ſolutions of the whole." Being aſſiſted by the honeſt and diſintereſted part of the Houſe implies, that the court is truly in the intereſt of the nation, yet the author plainly intimates, which ſeems ſufficiently juſtified by experience, that even in this caſe it could not, without the influence of the many offices at its diſpoſal, always command the reſolutions of the whole.

If all the inhabitants of a country were independent, were there no great inequalities among them, we ſhall allow, that they would naturally fix their choice upon that man whom they thought moſt capable of conſulting their intereſt in the national council. To an aſſembly thus conſtituted, the only object of deliberation would be the public good, at leaſt that which the people conceived to be ſuch, in its fulleſt extent. This is the condition of every commonwealth in its perfection. Frequent elections, in ſuch circumſtances, are an effectual barrier, and indeed there can be no

* Mr. Hume.

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other, againſt all ſeparation of intereſts, and conſequently againſt the tyranny of thoſe in power; for the diſapprobation of one is the diſapprobation of all: but it is the groſſeſt of all illuſions to expect ſimilar effects, where perhaps nineteen in twenty are in a ſtate of dependence *. In ſuch ſocieties elections are little elſe but farces. The bulk of the people have

* Mr. Locke, when he ſpeaks of the conſent and appointment of the people, conſiders them as all equal and independent. The caſual ſubordination which gives to every ſtate its tone, and fixes its character, he entirely overlooks. It cannot, therefore, appear ſurprizing that between his ſpeculations and facts there is frequently little correſpondence. Of this the inſtance already given will ſerve for illuſtration. "The people have always the right to remove "or alter the legiſlative, when they find the legiſlative act "contrary to the truſt repoſed in them." This may eaſily be atchieved where men live on terms of equality; for equality is always attended with unanimity as to perſonal rights. He tells us in another place what thoſe acts of the legiſlature are, which are contrary to the truſt repoſed in them. "When they endeavour," ſays he, "to invade "the property of the ſubject, and to make themſelves, or "any part of the community, maſters or arbitrary diſ-"poſers of the lives, liberties, or fortunes of the people." Every reader who knows any thing of the Roman hiſtory, will perceive, that every part of this deſcription is applicable to the conduct of the ſenate during the early ages of that republic. They had the power of levying taxes, which, according to Mr. Locke's ideas, was invading the property of the ſubject. How far they made themſelves, and their order, maſters of the community, and how arbitrarily they diſpoſed of the lives, liberties, and fortunes of the people, is apparent from the whole tenor of their proceedings. How came it then that the people did not exerciſe the power inherent in them, of removing, or altering ſuch a le-

have really no ſhare in them; they are directed by the few, and while the few are pleaſed, governors have little to apprehend from the diſapprobation of the people.

After the comitia by tribes were re-eſtabliſhed at Rome, and all the different orders were admitted to the magiſtracy, the evils of the ſtate were little abated: the people continued equally importunate, and with equal reaſon, on the ſubject of agrarian laws. Some of our politicians, however, conſider the annual election of the Houſe of Commons by the people at large, as the grand magiſterium that would cure all political evils. That any thing elſe ſhould be the occaſion of liberty they have no conception, and to elections they aſcribe all the efficacy that might be expected from them in circumſtances of perfect equality. But if inequalities muſt needs be, and if univerſal experience has ſhewn that they in a great meaſure defeat the end propoſed by frequent elections, the queſtion of moſt importance to mankind is, how is the effect which frequent elections ſecure in a real republic to be at-

a legiſlative? I will be told they did alter it in part; but it muſt be allowed, that the evils were little remedied thereby. How came it that they did not eſtabliſh a legiſlative whom it behoved to act conformably to the truſt repoſed in them? The only anſwer that can be given to this is, that the caſual ſubordination to be found in the ſociety rendered very difficult, if not totally impracticable, the exerciſe of a right, which, to a philoſopher, appears ſo very clear and indiſputable in theory.

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tained? What is that diſpoſition or arrangement of the public power which tends moſt effectually to preſerve unity of intereſt among all the different orders of the body politic? It would perhaps be impoſſible to determine *à priori* what theſe arrangements are. Thoſe of the Britiſh conſtitution have been found, in fact, moſt efficacious in this reſpect. Wherever the executive power is parcelled out among the ſeveral magiſtrates of a ſtate, we may, from what experience has diſcovered to be the nature of man, pronounce the evils of that ſtate incurable. The Britiſh conſtitution has excluded thoſe who make the laws from all ſhare in the execution of them. This arrangement has produced in Britain effects which frequent elections could never bring about in the ancient republics, becauſe they were not really ſuch. The identity of intereſt, which is hereby ſo admirably ſecured between the people and their repreſentatives, has rendered the interfering of the former, in the common buſineſs of government, much leſs neceſſary than it is in republics. This peculiarity of our conſtitution has even rendered it immaterial, whether the election of our parliaments be annual, triennial, or ſeptennial. If any one would ſatisfy himſelf that this reaſoning is conformable to fact, let him compare the laws that have been made by each, he will find no marks of patriotiſm in thoſe of the firſt, which are not equally, if not more conſpicuous, in thoſe of the laſt. This ſingle

circumſtance one ſhould think, might be ſufficient to convince us, that our liberties are far from depending altogether on the frequency of elections.

If it be ſaid, that the conſtitution itſelf lays great ſtreſs upon elections, and has taken many precautions to ſecure the freedom of them, but that if there be any foundation for the principles I advance, the ſame parliament might be continued one-and-twenty years, or for any longer period; I reply, that I have no where advanced, that election is not a mean of procuring liberty *. I have only ſaid, that popular ſuffrage, commonly ſuppoſed the only ſource of liberty, would, in our circumſtances, be very ineffectual. In this I am ſupported by the uniform experience of mankind; and that thoſe who are ſteady in ſupporting the other arrangements of the conſtitution, ſhew themſelves equally the friends of the liberties

* Though it cannot eſcape the notice of any, that the influence of every man of fortune tends to defeat the ends which republics aim at in elections, it is to be obſerved, that among us, this holds only in the ordinary courſe of things. Were the meaſures of government to become ſuch as to give riſe to ſerious alarms in the nation, all private views would be dropped; electors of every rank would unite in ſelecting ſuch for members as they thought moſt capable of redreſſing their grievances. For this reaſon the conſtitution juſtly lays ſtreſs on the freedom of election. But this circumſtance, which, in caſes of exigency, renders our elections ſo ſalutary, had not place in the ancient republics; and it is of ſuch a nature, that it operates with as much force, in the preſent ſtate of election, as it would do, were all our ſuppoſed reformations to take place.

of their country, as thoſe who are ſo zealous about the ſtate of election: for, without the other arrangements of the conſtitution, elections would never have procured us all that liberty which is aſcertained by our laws. Neither do I mean to aſſert, though the whole conſtitution has united more completely than any other ever did the intereſts of the people and their repreſentatives, that it is impoſſible to ſeparate theſe intereſts. Too long an interval between the times of election has this tendency. On this ground, therefore, one who is an advocate of a parliament for ſeven years would oppoſe its continuance for one-and-twenty.

It is ſtill aſked, if a long interval would actually ſeparate the intereſt of the legiſlators from that of the people, do not ſeven years tend in ſome degree to produce the ſame effect; and would it not be an improvement of the conſtitution, if, to its other arrangements, more frequent elections were added? To this the anſwer has been already given: I have ſhewn, that we have no ground to expect that parliaments frequently choſen would be actuated by any more peculiar concern for public good, than thoſe that are ſeptennial; but we have reaſon to believe that ſuch parliaments would engroſs more than their ſhare of the public power, that they would encroach upon the executive; the event, which next to that of rendering the king independent of parliament for the ſupplies, is moſt to be dreaded in our

conſtitution. Hence we ſee the neceſſity of the maxim, that while we are reforming abuſes of any kind, we ought not to loſe ſight of the inconveniencies that may ariſe even from the reformation itſelf. Our preſent reformers are all chargeable in this reſpect: they go to work as if our government was a republic, and not a monarchy *.

* During the laſt ſeſſion of Parliament, we have ſeen ſeveral of the events which Mr. De Lolme juſtly conſiders as ruinous to our conſtitution: "We have ſeen the temporary "prepoſſeſſions of the people made uſe of to make them "concur in doing what would prove the ruin of their "liberty. We have ſeen plans of apparent improvement "propoſed, and forwarded by men who proceed without a "due knowledge of the true principles and foundations of "government; for the plans, as univerſal experience has "ſhewn, produce effects quite contrary to thoſe that may "be intended, and in reality prepare the ruin of our con-"ſtitution."

FINIS.

ERRATA.

Page 48, Line 15 from the bottom, for, *to cenſure*, read, *to deſpiſe cenſure.*

54, Line 13 from the top, for *legiſlature*, read *legiſlative.*

68, Note, line 5 from the bottom, for *diſregarded*, reap *diſcarded.*